

ZONING BOARD OF APPEALS
BARRINGTON HILLS, ILLINOIS

ZONING TEXT AMENDMENT)
(CONTINUED) ARTIFICIAL)
LIGHTING, EXTERIOR)
)
SUCH OTHER BUSINESS AS MAY BE)
PRESENTED)

REPORT OF PROCEEDINGS at the hearing of the
above-entitled cause before JONATHAN J. KNIGHT, Zoning
Board of Appeals Chairman, at 112 Algonquin Road,
MacArthur Room, Barrington Hills, Illinois, on the
18th day of August, 2010, at the hour of 7:30 p.m.

ZONING BOARD OF APPEALS MEMBERS PRESENT:

MR. JONATHAN J. KNIGHT, Chairman
MR. JUDITH FREEMAN
MR. KURT ANDERSON
MS. KAREN ROSENE
MR. BYRON JOHNSON

ALSO PRESENT:

MR. ROBERT KOSIN, Director
MR. JOSEPH von MEIER, Village Attorney

Reported by: Cynthia L. Peesel, CSR
CSR License No. 084-002656

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would require a majority of the quorum to forward a
recommendation to the board regardless of the
recommendation. So it would need a vote of three to
carry. If we had the sixth person here, it would
require a vote of four. So we can proceed on that
basis.

At the end of our meeting last week -- oh,
my God, it's been two days, Monday, we discussed every
section before us of the draft document with the
exception of Penalties. We did not discuss Penalties.
We discussed Procedures and we ran out of time before
we discussed Penalties.

Does anybody have any comments regarding
Section 9 under Penalties? I'll start on our left,
Member Freeman?

MS. FREEMAN: I just had one comment on item
one. So we are on page 21?

CHAIRMAN KNIGHT: Page 23.

MS. FREEMAN: Oh, sorry, wrong version.

MS. ROSENE: No, 21.

MS. FREEMAN: Section 9.

CHAIRMAN KNIGHT: This is the red line copy.

MS. FREEMAN: Okay, whatever, Section 9.

It's only one page so it's item one. The only

(Whereupon, the following proceedings
were held in open meeting.)

CHAIRMAN KNIGHT: I'd like to call to order
this meeting of the Village of Barrington Hills Zoning
Board of Appeals, Wednesday, August 18th. It is now
7:50. The reason for the delay was waiting for
another member of the board that was supposed to be
here. Could I have a roll call please.

COURT REPORTER: Member Freeman.

MS. FREEMAN: Here.

COURT REPORTER: Member Anderson.

MR. ANDERSON: Here.

COURT REPORTER: Member Rosene.

MS. ROSENE: Here.

COURT REPORTER: Member Johnson.

MR. JOHNSON: Here.

COURT REPORTER: Member Mullen.

MR. MULLEN: (No response.)

COURT REPORTER: Member Masterson.

MS. MASTERSON: (No response.)

COURT REPORTER: Chairman Knight.

CHAIRMAN KNIGHT: Here.

We do have a quorum and according to the
rules, if we make a recommendation this evening, it

question I had, this starts out by saying,
"Nonessential lighting or prohibited lighting," and
prohibited lighting is not a defined term but
nonconforming lighting is. So my question is should
we be replacing the word "prohibited" with
"nonconforming" so that it's more clear?

CHAIRMAN KNIGHT: Mr. von Meier, would we
scratch nonessential lighting or prohibited lighting
and change it to nonconforming lighting?

MS. FREEMAN: I think I was -- the word
"prohibited" was the word that didn't have a
definition.

MR. von MEIER: This sounds reasonable.

CHAIRMAN KNIGHT: Okay. Make that change to
nonconforming. Is that it?

MR. JOHNSON: Do we need nonessential or
just prohibited?

MS. FREEMAN: I think they are different so
I didn't want to start messing with everything.

CHAIRMAN KNIGHT: I think it's easier to say
nonconforming. That's a catchall.

MR. von MEIER: Does that mean you want to
delete nonessential and just --

CHAIRMAN KNIGHT: Delete nonessential,

1 change that to nonconforming and delete or prohibited
2 lighting.

3 MS. FREEMAN: Well, you know, I'm not sure
4 that that would then be consistent anymore with the
5 rest of the sentence. So I think we might want to be
6 careful about that. I'm assuming they included this
7 for a reason.

8 CHAIRMAN KNIGHT: Well --

9 MR. JOHNSON: Nonessential is currently a
10 defined term, whereas, I mean --

11 MS. FREEMAN: Right. And so is
12 nonconforming.

13 CHAIRMAN KNIGHT: Mr. Bosworth, would you be
14 sworn in please so I could ask you that question, what
15 was your intent when this was drafted.

16 (Mr. Bosworth sworn in.)

17 CHAIRMAN KNIGHT: That's Ken Bosworth on the
18 Planning Commission.

19 MR. BOSWORTH: Give me a second to
20 reacquaint myself. A lot of these definitions,
21 unfortunately, have been changed and have been
22 evolving, so I have to try and catch up to where we
23 are at.

24 CHAIRMAN KNIGHT: But if we change that to

1 nonconforming lighting can be ordered by the
2 municipal --

3 MR. BOSWORTH: That would be --

4 CHAIRMAN KNIGHT: Okay? That works?

5 MR. von MEIER: I think that makes the most
6 sense.

7 MR. JOHNSON: I think the record should show
8 for the first time Ken agreed with something we did.
9 That would be good, wouldn't it?

10 CHAIRMAN KNIGHT: That's good. Anything
11 else, Member Freeman?

12 MS. FREEMAN: No, that was my only comment.

13 CHAIRMAN KNIGHT: Member Johnson, anything
14 else in this section?

15 MR. JOHNSON: No.

16 CHAIRMAN KNIGHT: Member Rosene?

17 MS. ROSENE: Nothing.

18 CHAIRMAN KNIGHT: Member Anderson?

19 MR. ANDERSON: Nothing.

20 CHAIRMAN KNIGHT: Okay. We are all in
21 agreement on that one change.

22 What we attempted to do at the last meeting,
23 and I think we were successful, is to reach consensus
24 on all of the items in the draft. We still had a

1 couple of issues that Mr. von Meier was going to help
2 us with between Monday and this evening's meeting.
3 The first was a definition of a measured acre. And if
4 we turn to page 6 on the red line, there's a
5 definition for measured acre. And Mr. von Meier, did
6 you have any other ideas relative to that since this
7 was drafted?

8 MR. von MEIER: Yes, Chairman, I had Doug
9 Wambach at the village attorney's office also look at
10 this definition and provide me with his thoughts. His
11 thoughts are set forth on page 2 of the memo, which is
12 attached to tonight's draft, under item number one.

13 CHAIRMAN KNIGHT: Okay.

14 MR. von MEIER: And Doug Wambach's feeling
15 was that we should try to avoid getting into shapes
16 other than rectangles and squares when trying to
17 measure the acre.

18 CHAIRMAN KNIGHT: Okay.

19 MR. von MEIER: Because of the difficulty
20 placed on the enforcement officer in trying to
21 calculate the area, the measured acre, if you have
22 something other than a square or a rectangle. He did
23 put some limitations on how the rectangle could be
24 drawn so that you wouldn't end up with one long,

1 skinny line but rather something that looks more like,
2 I guess, a typical rectangle.

3 CHAIRMAN KNIGHT: So that allows some
4 flexibility on the part of the individual taking the
5 measurements?

6 MR. von MEIER: Correct.

7 CHAIRMAN KNIGHT: But it doesn't give
8 uninhibited license for changes that might be out of
9 the intent of our draft here?

10 MR. von MEIER: Correct. So I would ask
11 that you review that alternate definition on page 2 to
12 see if this makes sense, if you have any questions
13 about that.

14 MS. ROSENE: I think we ought to keep angels
15 out of it.

16 MR. von MEIER: Oh, instead -- angels
17 instead of angles? That's fine. I thought the angels
18 might be nice.

19 MR. ANDERSON: They bring their own light to
20 the problem and that's --

21 CHAIRMAN KNIGHT: Let's just go around the
22 table. How do you all feel about the alternate
23 definition, because we did not arrive at a definition
24 last time, so they are both on the table?

1 MR. ANDERSON: If I might, Mr. Chairman,
 2 the -- I agree that this is probably a nice amendment
 3 or change to the item but one of the things I'd like
 4 to kind of reopen the entire discussion for just a
 5 moment as it relates to the concept of a measured
 6 acre. And I think it's based somewhat on what was
 7 said on Monday night and that was that some of us had
 8 not focused on the concept that a measured acre could
 9 revolve around the location of a single light and when
 10 people started considering this ordinance, the
 11 question, and it was kind of corresponds with what was
 12 said and done by the engineering firm, and that's they
 13 took the average and so it was 10,000 per acre and
 14 people were thinking average, and we've got five
 15 acres, we've got 50,000 lumens that are allowable.
 16 And I understand a concern and fully appreciate the
 17 concern that someone might take 50,000 lumens and put
 18 them all concentrated in one acre. That's a
 19 legitimate and reasonable concern.

20 My thought, though, is that if you've got a
 21 five-acre parcel, around a house, landscaped or
 22 otherwise and things, we may have 25,000 lumens. So
 23 would it make more sense to say that we'll define --
 24 and we'll continue with the definition of defined acre

1 but does it make sense to maybe set the threshold that
 2 there will be no more than X level, maybe 20,000 or
 3 25,000 or 30,000 acre of lumens in any given acre
 4 but -- do you understand what I'm suggesting? That
 5 there might be some movement here because people are
 6 going to landscape and light around their homes and
 7 people may have five, seven, ten, 15 acres and they
 8 have got nothing in the outlying area but all of a
 9 sudden someone could complain that they are violating
 10 the ordinance. They have a house tucked in the middle
 11 of a ten-acre parcel, the one measured acre could be
 12 their house and just the garden around it and now
 13 we've all of a sudden said you can only have 10,000
 14 lumens in that one acre, and that's my concern. Are
 15 we being a little overly restrictive on this? And is
 16 there an opening -- I mean, is there -- I understand
 17 all the sides on this one. I'm just saying maybe what
 18 we are looking at here is maybe tweaking how we apply
 19 that limit to the measured acre calculation.

20 CHAIRMAN KNIGHT: All right. That's your
 21 statement on that topic?

22 MR. ANDERSON: That's my statement on that
 23 topic. I think it's open for discussion. I like
 24 this, my only comment would be to me it would seem

1 that in addition to a rectangle or a square, that a
 2 circle from any given point is an easy calculation to
 3 make. You put together a line and you know exactly
 4 how long it is and you are going to measure that.

5 CHAIRMAN KNIGHT: Two PI R.

6 MR. ANDERSON: Exactly. It's an easy
 7 measurement to do in a circle. So those are my only
 8 comments. I appreciate the adjustments that were made
 9 in the memo. I would propose that a circle seems to
 10 be a reasonable addition to that, but I think we need
 11 to go back and step back and review the concept of how
 12 many lumens per measured acre could be allowed and it
 13 could be defined that we are going to allow maybe a
 14 little higher luminance around the residence than we
 15 will allow in the outlying areas. And maybe what we
 16 are going to do is say, you know, if you get 100 yards
 17 from the home, a measured acre can only have 10,000
 18 lumens. But near the home you can have -- and your
 19 overall average is 10,000 lumens per acre, right, so
 20 you've got a concentration around the home for
 21 security, for landscaping, for decorating but in your
 22 area around the outlying maybe 100 yards from the
 23 house or 100 feet from the house, I don't know what
 24 that number is.

1 CHAIRMAN KNIGHT: Well, but that's all
 2 landscaping. That's, you know, we've exempted
 3 doorways --

4 MR. ANDERSON: Right.

5 CHAIRMAN KNIGHT: -- security lighting and a
 6 few others.

7 MR. ANDERSON: Correct.

8 CHAIRMAN KNIGHT: That should attend to the
 9 concern about the lighting around the house and it
 10 seems that the great concern throughout has been with
 11 decorative lighting, if that's what you want to call
 12 landscape lighting, and also the idea that if somebody
 13 had a 30-acre property, you wouldn't want all of the
 14 allotted light concentrated on a small portion of that
 15 site.

16 MR. ANDERSON: Agreed. Agreed.

17 CHAIRMAN KNIGHT: And I think the concept of
 18 measured acre and having flexibility came about to
 19 give some leeway to the property owner as to where you
 20 measure.

21 MR. ANDERSON: Understood.

22 CHAIRMAN KNIGHT: But I understand your
 23 point and I -- Member Rosene -- I mean, are you
 24 finished?

1 MR. ANDERSON: I am finished with my
2 comments.
3 CHAIRMAN KNIGHT: We still have to come back
4 to this discussion. Member Rosene, did you have any
5 concerns with the alternate definition?
6 MS. ROSENE: No, the alternate definition is
7 fine.
8 CHAIRMAN KNIGHT: Okay. Member Johnson?
9 MR. JOHNSON: I'd share Kurt's concern. Ken
10 might be able to help me but if I recollect, many
11 meetings ago we spent some time looking at other
12 ordinances, and I remember also looking at, if I dare
13 say, the Dark Sky Society's handbook because my
14 recollection is what we are proposing is more
15 restrictive because my memory tells me that a lot of
16 recommendations are on a net-acre basis, overall
17 average, and that we are limiting -- we are limiting
18 lumens on a per acre basis. But I think Ken made the
19 comment that they basically doubled the recommended
20 lumens per homesite as set forth in the Dark Sky
21 Society but that recommended policy goes on to say
22 that it's the greater of 5500 lumens on a residential
23 lot or 10,000 per net acre, and my interpretation of
24 that was if you had five acres, you had 50,000 lumens.

1 into one area.
2 MR. JOHNSON: Do you recall if my
3 recollection is correct though from the standpoint of,
4 again, not that it's not our rules but in their
5 handbook they seem to suggest that you earned 10,000
6 lumens per acre?
7 MR. BOSWORTH: I got to admit, I don't
8 remember that. I do know that when they gave us, you
9 know, the various recommended lumens, we doubled it,
10 that I do remember because --
11 MR. JOHNSON: Yeah, but their policy was
12 5500 or 10,000 per acre?
13 MR. BOSWORTH: Yeah, and we increased that.
14 So I don't remember that distinction.
15 CHAIRMAN KNIGHT: The question that comes to
16 my mind is that if you are talking about a measured
17 acre and you are looking at the lights and you --
18 let's say you take a circle, a square or whatever we
19 agree on, is that going to be a moving item if
20 somebody is measuring -- are you saying from any point
21 draw a square on any point of the lot so that from
22 wherever, was that the intention?
23 MR. BOSWORTH: That was the intention, yes.
24 CHAIRMAN KNIGHT: And if that is the

1 That's why up until a couple meetings ago I thought we
2 were talking 50,000 lumens but when I finally, in my
3 advanced age, locked in on that measured acre thing,
4 it is limiting.
5 MR. BOSWORTH: Yeah, that was the intent.
6 CHAIRMAN KNIGHT: Before Mr. Bosworth
7 responds, I want to -- you raised your concern?
8 MR. JOHNSON: Yeah.
9 CHAIRMAN KNIGHT: Member Freeman and then
10 we'll call upon Mr. Bosworth.
11 MS. FREEMAN: I will give Ken the floor.
12 CHAIRMAN KNIGHT: All right. Mr. Bosworth,
13 could you stand at the microphone please.
14 MR. BOSWORTH: It was the intention of the
15 Planning Commission to limit because we were concerned
16 about and we did struggle with how to come up with a
17 method of calculating and we did not want people to,
18 in effect, tack or to add up and say I want to put all
19 my 50 lumens or 50,000 lumens if I have five acres in
20 one spot. So that was our attempt by doing the
21 measured acre to sit down basically say in any one
22 acre no matter, so to speak, how you calculate it, you
23 would be limited to the 10,000. Because the idea is
24 we did want to spread it out and not to accumulate it

1 intention, without saying, well, if you choose to use
2 this for your one acre, then you can't reuse it seven
3 times, but you are saying you can't give enough
4 flexibility to the property owner --
5 MR. BOSWORTH: Right.
6 CHAIRMAN KNIGHT: -- and would that not
7 address Member Anderson's concern that by doing that,
8 you are in effect mitigating the difficulty of one
9 spot for 10,000 lumens?
10 MR. BOSWORTH: That plus the fact that
11 you've done a couple things that we hadn't done.
12 You've given some additional exemptions, which greatly
13 increases, I mean, doorway lighting, which you've now
14 exempted and security lighting you've exempted so
15 you've kind of added some more additional lighting
16 opportunity.
17 CHAIRMAN KNIGHT: Would there be a problem
18 with Member Anderson suggested a circle?
19 MR. BOSWORTH: No.
20 CHAIRMAN KNIGHT: Originally, we talked
21 about putting in a triangle, well, maybe we say it has
22 to be a circle or a four-sided animal with a 25-degree
23 angle so you can't do the bowling alley effect, would
24 that accomplish the goal?

1 MR. BOSWORTH: That was the intent because
2 we didn't want people to come up and say here is my
3 measured acre and make it a long, thin strip or
4 something, some anamorphic --

5 CHAIRMAN KNIGHT: A little bit of both and
6 add Mr. Anderson's circle and given that that's a
7 moving measurement, would that address the concern
8 that you have?

9 MR. ANDERSON: I'm sorry, would you repeat
10 the question?

11 CHAIRMAN KNIGHT: You expressed a concern
12 about, you know, 50,000 per the whole thing and if we
13 say, if this interpretation says that you can use a
14 circle or a square or a rectangle so long as it's
15 limited to 25 percent, no greater than 25 percent from
16 any other side, that gives the homeowner the
17 opportunity to take that circle, if you will, and
18 measure it here, here, here, here and in any
19 concentration it would be limited to 10,000 lumens per
20 that measured area. But that rolls around so that in
21 effect would give somebody some flexibility that I
22 think addresses you. So we combine, add the circle,
23 add a little of both and I think we are at where we
24 want to be. Would you agree or does that not meet

1 your concern?

2 MR. ANDERSON: I don't know that it does
3 meet my concern. The point being, just as an example,
4 you have a 5,000 watt or lumen floodlight on one side
5 of the house and a 5,000 on the other side of the
6 house. They are not next to the doorway but you are
7 lighting them up.

8 CHAIRMAN KNIGHT: Yes.

9 MR. ANDERSON: The likelihood that you can
10 make any measurement that would keep those two, unless
11 you've got the monster house, and there are a few of
12 those out here, but those are going to fall within
13 whether you do a rectangle, a circle or a square,
14 those two 5,000 lumen lights are going to fall within
15 the same measured acre.

16 CHAIRMAN KNIGHT: Yeah, but if you go 2 PI
17 R, you'd have about 600 feet, if I'm churning in my
18 head properly, and I think that would cover most
19 homes. I don't know too many homes that are that --

20 MR. ANDERSON: What I'm saying is that's the
21 issue, most homes will fit clearly within 2 PI R.

22 CHAIRMAN KNIGHT: But you move around.

23 MR. ANDERSON: It moves around but the
24 measured circle, you'd take the center of the circle

1 would be one of those 5,000, right?

2 CHAIRMAN KNIGHT: Right.

3 MR. ANDERSON: That means the other one is
4 going to fall within that 300-foot radius --

5 CHAIRMAN KNIGHT: Unless you move it
6 somewhere else.

7 MR. ANDERSON: That's what I'm saying. If
8 it's attached to the house, which is what most people
9 are going to do, it's going to be fairly close to the
10 house and so you are going to have two lights and
11 maybe 5,000 is not the right one, maybe there's going
12 to be 12 lights around the house.

13 CHAIRMAN KNIGHT: Maybe instead of a circle
14 you use a rectangle or something else.

15 MR. ANDERSON: But I think regardless of
16 what you are going to do, that calculation is going to
17 be such in size that you are going to catch -- I don't
18 think there's any house here that's -- I don't know
19 that there's any house here that's footprint is more
20 than a half an acre, which would be 20,000 square
21 feet.

22 CHAIRMAN KNIGHT: There are a few.

23 MR. BOSWORTH: Chairman Knight, but he is
24 correct that the way to interpret it -- we are

1 basically saying if you take any measured acre, based
2 on how you are going to measure an acre, no matter
3 where it is, you can't violate the 10,000 lumens. So
4 if you have a measured acre where you have, as your
5 example, 5,000 lumens on one side of the house and
6 5,000 on the other and it's within, you know, a circle
7 or a rectangle or whatever, that would be your 10,000
8 lumens. So unless your other lighting is exempt,
9 i.e., the landscaping or the doorway lighting, that
10 would be your 10,000 lumens. And if you had any other
11 light, you would be in violation in that measured
12 acre. Okay.

13 CHAIRMAN KNIGHT: But if -- let's just take
14 his situation where you put your circle around the
15 lighting, okay, and you say, well, that would be
16 10,000. Well, if you have a rectangle that includes
17 both sides of the home and it goes out to the back of
18 the lot, and people typically don't light the back of
19 the lot, we are talking about landscape lighting, you
20 could have another chunk that would include only the
21 landscape lighting at the front of the property.

22 Again, the goal is not to leave the
23 situation so wide open that people will have 50,000
24 lumens in one slot, but I think it's one way to, let's

1 say, control the light pollution that we are
2 attempting to do here without being overly onerous to
3 the property owner.

4 MR. ANDERSON: I understand and I'm not
5 trying to be overly onerous to the property owner but
6 PI is 3.174.

7 CHAIRMAN KNIGHT: Three-point -- Mr. Abboud,
8 you know that off the top of your head.

9 MR. ABOUD: 3.14 --

10 MR. BOSWORTH: 3.14159.

11 MR. ANDERSON: Equals six and that goes
12 into --

13 CHAIRMAN KNIGHT: By about six and a quarter
14 would be pretty close.

15 MR. ANDERSON: So you've got a radius of
16 5,870 feet. All right. So the likelihood of a house
17 being 5,000 feet long is you are going to catch
18 everything around that house. By putting the
19 center --

20 CHAIRMAN KNIGHT: That's if you use a
21 circle.

22 MR. ANDERSON: Okay. Use a rectangle. You
23 are going to end up pretty close to the same thing,
24 100 by 400, is 40,000 square feet, right?

1 CHAIRMAN KNIGHT: That's too much.

2 MR. ANDERSON: That's 40,000 square feet.
3 That's an acre, right? All of a sudden if you start
4 measuring the typical house in this area using a
5 measured acre around a house, you're going to find
6 that the bulk of these houses, with landscaping
7 lighting or some of the other things, are going to
8 violate it. And I'm saying if we change it so that
9 measured acre around the house and maybe what we say
10 is the measured acre defined by the center point of
11 the house and around that, within that area, you can
12 put 25,000 lumens, you are probably getting closer to
13 something that fits within what our community has
14 currently.

15 But if you start saying that only around the
16 house, that measured acre around the house, if we
17 restrict that to 10,000 lumens, my guess is most
18 everybody's lighting is going to violate. There's
19 going to be a lot of violations.

20 MR. JOHNSON: Do I understand this would be
21 applied on a punitive basis that you are going to go
22 out there and measure all, determine that there's more
23 than 10,000 lumens in an acre?

24 MR. ANDERSON: That's what I'm trying to

1 make sure that we are consistent. Nobody had focused
2 on the concept of the measured acre. It was not a
3 defined term until Monday night.

4 CHAIRMAN KNIGHT: That's correct.

5 MR. ANDERSON: Right. So nobody focused on
6 it. But if we are going to focus on it, what we want
7 to make sure is what we are doing is we are defining
8 this in such a way that if we apply the measured acre
9 to the overall parcel, we are not going to start
10 causing a single house within the center of a big
11 parcel -- do you understand what I'm saying?

12 CHAIRMAN KNIGHT: Can you satisfy two things
13 at once and maybe you make the measured acre a
14 measured quarter acre or a half acre or what have you,
15 so long as the limitation of 10,000 lumens per
16 five-acre lot still applies? And Member Anderson hit
17 on something that seemed to make sense is the concern
18 is not so much the lighting that you have around your
19 house, if you had, you know, a 20-acre property, the
20 house isn't going to be 100,000 feet, it's going to be
21 some number but the lighting around the house is where
22 the bulk of it will be. But I think you also want to
23 insure that if somebody has 30 additional acres, they
24 are not going to pile all that lighting on the area of

1 the house. I mean, you just don't see it in practice.
2 Are we -- are we heading in the right direction as a
3 way to address that?

4 MS. ROSENE: I would -- he needs to
5 recalculate because the area is PI R squared not PI
6 2R. PI D is the circumference.

7 MR. JOHNSON: I knew something was wrong. I
8 think one thing we have to remember, but Ken mentions
9 we exempted security lighting. We've exempted
10 security lighting to the extent you shut those lights
11 off. If you don't shut those lights off, they are no
12 longer security lighting. Okay. They figure into
13 your 10,000. So it's not like -- depending on how you
14 would comply with this but there could be substantial
15 lumens out there and they could be security lights if
16 you don't shut them off, and a lot of people don't
17 want to shut them off so I think it's a relevant
18 question.

19 I thought when we put in Monday night this
20 idea, I thought we just would measure, you know, have
21 a uniform way to measure acres and that would be it.
22 But this sounds like to me that enforcement officer
23 has to go out there and make sure there isn't a
24 concentration.

1 MR. BOSWORTH: That was the concept is to
2 try to prevent there being a concentration.

3 MR. JOHNSON: You've got somebody who says,
4 okay, I'm not shutting my lights off, therefore, there
5 are no security lights exempted and you could have a
6 concentration of lights around a house that could
7 exceed 10,000 lumens, the rest of the acreage is black
8 but they flunk.

9 MS. FREEMAN: Can we have -- perhaps would
10 it be helpful to have a two-part definition, because I
11 don't know if this is where Kurt is going but let me
12 just spit it out and you can let me know.

13 For instance, the original definition was
14 based on a multiplier, at least the original, our
15 thought of what it was. So you would multiply 10,000
16 lumens per acre by the number of acres and you would
17 say this is your limit for the entire parcel. And
18 then you would have a measured acre limit that for any
19 individual measured acre you would also have a limit
20 but that limit could be higher than the 10,000 so that
21 you could measure -- they would actually have to meet
22 both criteria but it would give them more flexibility
23 in meeting the measured acre criteria.

24 MR. JOHNSON: That's because that's where

1 the lights are.

2 MS. ROSENE: And the 50,000 would continue.

3 MS. FREEMAN: Would still be there, exactly.
4 So they have to meet two restrictions instead of one
5 but the second restriction we can make it a higher
6 number, if that's your concern, Kurt.

7 MR. ANDERSON: I think that's basically my
8 concern. My concern is particularly around the house
9 and now that Karen pointed out we are using
10 circumference as opposed to area, the radius of this
11 circle is about 120 feet, all right. So 240 feet. So
12 you start using that as your measuring point and you
13 start thinking about houses and different things.
14 Yes, there are houses that are much larger than
15 240 feet across. However, if we start, and maybe what
16 we do is there is the residential zone and then the
17 outlying zone for purposes of this. You cannot have
18 more than, and I don't know what that number is,
19 whether it's 25,000 lumens in the residential zone or
20 is it 10 percent of the allowable in that residential
21 or maybe it's 20 percent of what you allow for your
22 property can be in the residential zone and then
23 nothing else more dense than 10,000 per acre, that
24 seems to be a little more workable because then if

1 you've got a 5,000 -- if you've got a five-acre
2 parcel, 20 percent, you could put, what, 20,000, that
3 would be 40 percent.

4 MS. FREEMAN: 10,000.

5 MR. ANDERSON: 10,000. Or if you've got a
6 five acre, you could put 40,000 around within an acre
7 of the center of your home and then everything else is
8 going to be reduced. Do you understand what I'm
9 saying?

10 MS. FREEMAN: Yeah.

11 MR. JOHNSON: On the real large houses, what
12 percentage of the five-acre lot is taken up with,
13 quote, just directly around the house do you think,
14 40 percent?

15 MS. FREEMAN: You know, I was looking at
16 some of these --

17 MR. ANDERSON: What is the allowable FAR?

18 MS. FREEMAN: In looking at some of these --

19 MR. BOSWORTH: Bob is saying ten.

20 MS. FREEMAN: -- where people fell out of
21 compliance, if you take off the doorway lighting and
22 the security lighting and how much of this because
23 they actually have pictures of where the lights are
24 so, you know, it does look like a couple of the people

1 who had kind of big failures, some of them had just
2 huge amounts of landscape lighting, like 35 fixtures
3 and 48 fixtures and all this kind of stuff. So they
4 are going to fail no matter what. Like I don't think
5 no matter how you draw this, it's going to be a
6 problem.

7 Another one that had a lot of mercury vapor
8 fixtures, they are going to fail no matter what we do
9 because those have to go and then maybe they'd be in
10 compliance. But so it certainly looked like a lot of
11 the lumens were around the house. But I think we have
12 to just make sure that we are not doing something then
13 that's undesirable. If you were to say -- if you just
14 go with a single definition that you can put all your
15 lumens anywhere you want, it could be a bad outcome.

16 MR. ANDERSON: I agree with that because I
17 could see someone putting 50,000 lumens right around
18 the house, it's a white house, it's going to glow
19 forever. But if we try to make it in a reasonable
20 approach, my thought was maybe just bump what's
21 allowed near the house up a bit so that you are not
22 going to increase the amount of allowable lumens on an
23 average per acre but allow a different distribution.

24 MS. FREEMAN: Do you want to specify the

1 house or do you just want to have a two-part
2 definition that allows any single measured acre to
3 have a higher threshold as long as they conform to the
4 total?

5 MR. ANDERSON: No, because I don't know that
6 somebody needs, for security purposes or otherwise, I
7 don't think somebody need to have that acre tucked way
8 in the back lit up with 20 or 30, that's why I'm
9 saying keep the total lumens the same but allow
10 something in the immediate residential area where
11 people seem to suggest that is the security issue or
12 the safety issue and we'll allow them slightly higher
13 density of the lumens but their total lumens are still
14 the same.

15 MS. FREEMAN: Okay.

16 CHAIRMAN KNIGHT: Mr. Kosin, you had a
17 question?

18 MR. KOSIN: I wanted to clarify that floor
19 area ratio is .05 in the R1 zoning district.

20 CHAIRMAN KNIGHT: Mr. Bosworth, do you have
21 a comment on where this is leading?

22 MR. BOSWORTH: As I said, we struggled with
23 this also but I actually kind of like the idea of
24 having a two-part definition of having an amount, you

1 know, greater in one area. Most people would probably
2 focus it around their house but as you said, they may
3 want it someplace else. So, you know, what that
4 number is, I don't know, you know, 15, 20, that's, you
5 know, I'm theorizing or guessing as much as anybody
6 else saying it should be double.

7 CHAIRMAN KNIGHT: Well, we have to come up
8 with something.

9 MS. ROSENE: At 20, though, aren't we
10 getting pretty far afield from what the Plan
11 Commission was thinking?

12 MR. BOSWORTH: We are. I mean, we are
13 getting especially in light of the fact that you
14 excluded things.

15 MS. FREEMAN: Right. We have exempted a
16 number of things.

17 MR. BOSWORTH: By exempting the things that
18 you've exempted, you've already given a lot more.

19 MR. ANDERSON: I'm thinking of some of the
20 gardens and the patios and things that people tend to
21 light, they are fairly concentrated around the house,
22 some of them are very extensive but generally speaking
23 they are brought in either it's around the pool house
24 or it's around the main house or even around some of

1 the barns or outbuildings that a density might be a
2 little higher on a measured acre basis than the 10,000
3 and that's what I -- when we started focusing on the
4 measured acre, it started to cause me a little concern
5 when I stepped back and asked the question.

6 MR. BOSWORTH: Given that you have exempted
7 security lighting and doorway lighting, I would say
8 15.

9 MR. JOHNSON: If they don't shut those
10 lights off, those security lights are not exempted.

11 MR. BOSWORTH: Right. Well, then they --

12 MR. JOHNSON: Then we got a pretty tight
13 limitation. Okay.

14 MR. ANDERSON: This gives them a little
15 additional wiggle room.

16 MR. JOHNSON: If you just physically carve
17 the lot up, you know, into straight lines, you'd have
18 at least two acres involved with the house, I would
19 guess.

20 MR. ANDERSON: Probably.

21 MR. JOHNSON: That would give you 20,000. I
22 mean, something like that might make more sense if you
23 just went right across and say, okay, half the house
24 is in this acre, half the house is in this acre, that

1 would give you 20,000, which is not unreasonable.

2 MS. FREEMAN: I'm not sure that's how
3 this --

4 MR. JOHNSON: I know that's not how this
5 works, but.

6 CHAIRMAN KNIGHT: Well, you'd have to knock
7 out that 25 percent limitation on measuring slices
8 because --

9 MS. FREEMAN: Right. But that's important,
10 though, because as we said, that's just going to
11 create a kind of a never ending math problem for
12 everybody.

13 CHAIRMAN KNIGHT: That's right.

14 MS. FREEMAN: So Kurt's suggestion of just,
15 you know, having a two-part definition would then, you
16 know, not create the problem of how do you measure.
17 We could actually live with Mr. Wambach's, you know,
18 alternative definition because then we would just be
19 acknowledging that any given measured acre could have
20 a higher individual limit as long as they meet the
21 whole.

22 CHAIRMAN KNIGHT: What would you suggest for
23 draft language if we were having a two part? Is the
24 feeling around the table that this is desirable?

1 MS. FREEMAN: I understand the concept. It
 2 makes sense.
 3 CHAIRMAN KNIGHT: Member Johnson? Member
 4 Rosene?
 5 MS. ROSENE: Well, as long as we don't bump
 6 it up to 20,000 lumens.
 7 MS. FREEMAN: Right.
 8 MS. ROSENE: Which is huge.
 9 MR. ANDERSON: I guess I hadn't thought
 10 about drafting, but I'd probably do something along
 11 the lines of every residence would be allowed a total
 12 of 10,000 lumens per acre for their parcel, and I'm
 13 just trying to figure out if what I would do is use --
 14 MS. FREEMAN: Can I suggest something?
 15 MR. ANDERSON: Certainly.
 16 MS. FREEMAN: If I follow your thinking, the
 17 definition that we have right here says we could just
 18 break this single definition into two pieces.
 19 MR. ANDERSON: The measured acre definition?
 20 MS. FREEMAN: Right. With respect to any
 21 real property located in the village under single
 22 ownership and control, right.
 23 MR. ANDERSON: Uh-huh.
 24 MS. FREEMAN: You can then go and say, you

1 MR. ANDERSON: But I think you are going to
 2 have a residential zone, the measured acre including
 3 the residence and the area surrounding it making up
 4 "A" measured, and then outlying around that you would
 5 have when you add "A", the residential zone, plus the
 6 lighting in zone "B" is the nonresidential zone, your
 7 total cannot exceed total acreage times 10,000 lumens.
 8 MS. FREEMAN: Right. That's the first part.
 9 You just take the whole parcel.
 10 MR. ANDERSON: Whole parcel can never
 11 exceed --
 12 MS. FREEMAN: 10,000 times X. Right, that's
 13 part one.
 14 MR. ANDERSON: Right. I agree with that.
 15 But then Part A, though, the residential zone, and I'm
 16 trying to figure out how to define that residential
 17 zone where you are going to allow higher than 10,000
 18 lumens per acre but not more than --
 19 MS. FREEMAN: Why are we defining a
 20 residential zone as opposed to just any measured acre?
 21 CHAIRMAN KNIGHT: You'll recall that we have
 22 already exempted a whole bunch of lights on the house
 23 proper, so let's just for the moment say don't
 24 consider any of those things, we are looking at

1 know, A, right, the number of acres multiplied by
 2 10,000 lumens shall constitute the overall limit.
 3 MR. ANDERSON: Correct.
 4 MS. FREEMAN: In addition --
 5 CHAIRMAN KNIGHT: Well, that would then if
 6 somebody had 30 acres --
 7 MS. FREEMAN: You need to let me finish.
 8 Hear me out. In addition, right, any portion thereof
 9 consisting of a single acre, as measured by the
 10 enforcing office consisting of a square or rectangle
 11 having right angles and measured sides that are not
 12 more than 25 percent different in length, shall have a
 13 limit of, and then we put in the lumens per acre. So
 14 it's a two-part definition. One is the overall
 15 restriction and then the second is any measured acre
 16 and that I think solves what you are looking for.
 17 MR. ANDERSON: I don't know that it would
 18 because the issue there is the number of lumens per
 19 measured acre is I think you are going to have a
 20 two-tiered measure.
 21 MS. FREEMAN: Agreed. Right. We have to
 22 decide on what the number is for the second part,
 23 correct? We could make it any number we want, 15,000,
 24 20,000.

1 landscaping lighting.
 2 MR. ANDERSON: What I'm saying we don't want
 3 it higher in any given acre because maybe there's
 4 going to be something way back in the corner next to
 5 your neighbors that you are going to light up, whether
 6 for good reason or bad, that it's not necessary. The
 7 argument that I've heard both from the committee as
 8 well as the public is that there's a -- people want to
 9 keep lights on 24/7 or dusk till dawn for safety
 10 reasons, right. Well, that's not a security light,
 11 that's kind of a safety concern, and they are looking
 12 to light up the area around their house, not the far
 13 corner of their property. So I don't want their far
 14 corner of their property to have 20,000 lumens. I'll
 15 let them light up the area around their house but not
 16 the outlying area.
 17 MS. FREEMAN: Then you are just basically
 18 saying you want the 10,000 number to be higher?
 19 MR. ANDERSON: Yes and no.
 20 MR. von MEIER: Chairman, I think that where
 21 you want to focus, if you want to go down this path,
 22 is in changing Section 5.2 rather than changing the
 23 definition of measured acre.
 24 MR. BOSWORTH: I agree. I was going to say

1 you should keep the concept of the measured acre the
 2 same but in two is where you should put the
 3 limitation. And if you are talking about a two part
 4 overall 10,000 lumens per acre and within and you may
 5 exceed that in an acre provided that acre is the acre
 6 immediately surrounding your house, I'm just saying it
 7 kind of generally is what -- I mean, you'd have to do
 8 it a little bit more eloquently but that's what you
 9 are trying to say. That works because we're assuming
 10 that because of the way our zoning is, you know, you
 11 can't put your house right up at the edge, you've got
 12 setback lines, front, back, side, et cetera, and FAR,
 13 other requirements. So that's going to draw the light
 14 into the middle. My only concern is that you don't
 15 make that number too high given the other exemptions.

16 MR. ANDERSON: Agree because we have
 17 exempted a lot but my thought is if it's -- maybe it's
 18 not -- and again, if -- you could have a small house
 19 and if you start putting 15,000 lumens around it, it's
 20 going to be glowing but if you have a monster house
 21 and you put 25,000, you are not going to notice it.
 22 It kind of depends on how far out it gets spread but
 23 that area when you start measuring it, it still could
 24 be falling within a measured acre.

1 MR. BOSWORTH: Not to further complicate it
 2 but one of the things we were concerned about is,
 3 okay, everybody takes that and they all put it on the
 4 front of the house, okay, and not the back of the
 5 house and that brings me to the ideas that I didn't
 6 know there was a rule that all criminals had to
 7 approach from the front of the house and couldn't come
 8 in from the back of the house. But, so we're a little
 9 concerned about that and that was the other thought
 10 that we had by doing, quote, any measured acre and
 11 making it 10,000 and being able to move it anywhere.
 12 That's my only other concern is focusing in on the
 13 front versus somehow being more uniformly, I'm not
 14 going to say that to be the same all the way around,
 15 but we didn't want it too congested just on the front
 16 of the house and not in the, you know, kind of --

17 CHAIRMAN KNIGHT: Well, let's go back to if
 18 we are going to use the definition, do we want the
 19 alternate as suggested or the one that Mr. von Meier
 20 originally drafted as part of this and then address
 21 Mr. Anderson's concern elsewhere?

22 MR. JOHNSON: The only problem I have
 23 besides the discussion here is if we delete this,
 24 insert that he put in about designed to provide

1 flexibility to the owner of the lot to maximize the
 2 amount of permitted lumens, to me those were good
 3 words because, again, this is a punitive measurement
 4 and we are trying to keep the best interest of the
 5 homeowners, you know, in mind here. Keep in mind we
 6 got no rules on lighting here in Barrington Hills. We
 7 don't have light pollution or urban glow.

8 CHAIRMAN KNIGHT: We do on some properties.

9 MR. JOHNSON: But by and large we don't have
 10 it so these assumptions that the owners can go out
 11 there and just light up the neighborhood, I think is
 12 not a good assumption.

13 CHAIRMAN KNIGHT: Well, some have though and
 14 that's as long as we don't have a problem, you know,
 15 we won't have one in the future. That's part of why
 16 we are here but we also, again, have to give some
 17 consideration --

18 MR. JOHNSON: So, again, I think the words
 19 in there that we are going to work for the homeowner
 20 as opposed to the just strictly punitive measurement,
 21 which is what it is.

22 CHAIRMAN KNIGHT: I don't think the word
 23 punitive --

24 MR. JOHNSON: If you say I'm going to

1 measure away --

2 CHAIRMAN KNIGHT: Nobody is going to go out
 3 and measure, this really comes about assuming that
 4 there's an issue between two neighbors that can't be
 5 resolved between those two neighbors.

6 MR. JOHNSON: Well, we are writing the
 7 rules. I mean, the rules, like Ken said, the intent
 8 is to measure a concentration and the way it was
 9 worded was to measure it in the most negative way that
 10 you could to the owner, right. So all I'm trying to
 11 do is say why not put in the favor of the owner.

12 MR. BOSWORTH: By doing the two-part
 13 definition, you are doing it. You can't say measured
 14 most favorable to the owner and then do a two-part
 15 definition. At some point you bastardize this so
 16 that, you know, why have we all been here.

17 MR. JOHNSON: It depends --

18 CHAIRMAN KNIGHT: Well, here is the thing,
 19 if somebody from the Village is measuring the lot,
 20 that ultimately doesn't have to stand if the homeowner
 21 says, well, hey, you made a mistake, and mistakes are
 22 made, and the homeowner says, well, here, my engineer
 23 says you can measure it this way and it solves the
 24 problem. And if the Village disagrees, then the

1 homeowner comes to the -- can express his grievance
2 before the Zoning Board of Appeals or the Plan
3 Commission, depending on the situation and get it
4 resolved.

5 So the Village is never in a position to
6 dictate to a property owner without having a grievance
7 for that property owner. So, again, we'll go back to
8 other areas when we are looking at buildable lots and
9 FAR's and things of that nature, we've seen where the
10 Village has made error and it's been corrected.

11 I really, I'll go back to Village practice,
12 in my almost 30 years in this village, I've never seen
13 the Village with the attitude that they are going to
14 try to do something that would cause distress with a
15 property owner. I think in every case they have bent
16 over backwards to help the property owner rather than
17 try to punish a property owner. We've seen it time
18 and time again from the issue with the guy that had
19 the dogs, the Village didn't beat him up. They were
20 very generous in their time and everything else and
21 the guy turns around and takes them to court. So, you
22 know, that's, you know, to say that -- to feed the
23 paranoia here that --

24 MR. JOHNSON: I'm not feeding it. People

1 are saying what people will do. They haven't done it
2 yet, okay, to any great extent. Why not, again, take
3 a proposal that was meant to be done in the most
4 punitive way and make it clear that when you make a
5 mistake, make it on the side of the homeowner, not
6 some enforcing officer.

7 CHAIRMAN KNIGHT: Well, I think that's done
8 in practice.

9 MR. ANDERSON: May I propose?

10 CHAIRMAN KNIGHT: You may.

11 MR. ANDERSON: If we start with
12 Mr. von Meier's language, an acre is measured by the
13 enforcement officer consisting of a standard shape,
14 circle, square, or triangle. In the event of the
15 square or triangle, the rectangle, having right angles
16 and measured sides that are not more than 25 percent
17 different in length, dash, designed to provide
18 flexibility to the owner of a lot to maximize the
19 amount of permitted lumens per acre on his or her lot.

20 CHAIRMAN KNIGHT: Fine.

21 MR. ANDERSON: That seems to address both
22 the definition that was proposed by Mr. Wambach as
23 well as the concern that we are looking to design, you
24 know, this is going to be -- we are going to look to

1 favor the landowner and not penalize the landowner in
2 this calculation.

3 CHAIRMAN KNIGHT: That's fine. Do you --

4 MR. von MEIER: I can do that.

5 CHAIRMAN KNIGHT: Okay. Fine. Is everybody
6 in agreement with that to this point? Okay. We are
7 good. Now what?

8 MR. ANDERSON: Do we go back to walking
9 through the definitions, if there's anything else we
10 needed to discuss that was prepared after last night's
11 meeting?

12 CHAIRMAN KNIGHT: Do you think that that
13 will resolve your concerns?

14 MR. ANDERSON: I think that takes care of
15 the measured acre definition. I don't know that that
16 addresses kind of that concern that I have.

17 CHAIRMAN KNIGHT: But that's an improvement
18 over what we had?

19 MR. ANDERSON: It kind of merges the two and
20 it addresses the concern that we are not looking to
21 penalize a homeowner in how that is being measured.

22 CHAIRMAN KNIGHT: Okay. Fine.

23 MR. ANDERSON: It gives direction on --

24 CHAIRMAN KNIGHT: Okay. We are done with

1 that.

2 MR. ANDERSON: -- measurement, correct.

3 MR. JOHNSON: Looking for comments?

4 CHAIRMAN KNIGHT: Yeah.

5 MR. JOHNSON: Page 6. I'm looking -- what
6 version are you guys using?

7 MR. ANDERSON: The red line version.

8 MR. JOHNSON: From tonight?

9 CHAIRMAN KNIGHT: Yes. Do you have that?

10 MS. FREEMAN: Can we turn pages so we can go
11 page by page as opposed to random.

12 CHAIRMAN KNIGHT: Page 6. Mr. von Meier,
13 you changed that measured acre definition on page 6,
14 correct, as just articulated by Member Anderson?

15 MR. von MEIER: Yes.

16 MR. JOHNSON: I'm on page --

17 MS. FREEMAN: Mr. Chairman, can we turn
18 pages so that we are not going around and say I'm on
19 page 6 and I'm on page 12.

20 CHAIRMAN KNIGHT: Okay. We are going
21 through --

22 MS. FREEMAN: Right. Page by page.

23 MR. JOHNSON: My next comment is Section 3,
24 so.

1 CHAIRMAN KNIGHT: Let me just bring us up to
2 speed. The first thing that we changed was on the
3 last section under Penalty.

4 MS. FREEMAN: You know what, Mr. Chairman, I
5 need to butt in there and I apologize. I actually
6 found that they did define prohibited lighting, it's
7 just not in the definition section, it's in Section 5.
8 So can we retract that and just leave it alone, this
9 Section 9, because it's actually -- they actually
10 created a definition in Section 5 and so I think what
11 we need to do is capitalize the "P" in prohibited so
12 that it's clear that it goes to Section 5.

13 CHAIRMAN KNIGHT: You have better eyes than
14 I, so.

15 MS. FREEMAN: It took me awhile.

16 CHAIRMAN KNIGHT: So we'll leave
17 nonessential lighting or prohibited lighting, just
18 leave it alone.

19 MS. FREEMAN: Right. But capitalize the "P"
20 so it's clear.

21 MR. JOHNSON: I don't like the nonessential
22 because nonessential is a defined term and very
23 argumentative as to what is nonessential because that
24 nonessential still includes, i.e., decorative,

1 artistic. Well, that's very much a personal opinion
2 as to what's artistic. So I would suggest --

3 CHAIRMAN KNIGHT: Could you change --

4 MR. JOHNSON: -- to nonconforming.

5 CHAIRMAN KNIGHT: Nonconforming in place of
6 nonessential? Would that accomplish the same thing
7 basically and satisfy Member Johnson?

8 MS. FREEMAN: Well, hang on. I want to go
9 back to the definition of prohibited lighting.

10 CHAIRMAN KNIGHT: Let me just say
11 procedurally what we are going to attempt to do
12 tonight is, and I think we are not too far away from
13 having the ability to make a recommendation, and if
14 there are any typos or blatant inconsistencies that
15 pop up, counsel would have the opportunity to correct
16 those before they go in final draft form to the board.
17 And I would have the opportunity to review those with
18 counsel to make sure that everything is the way it
19 should be. And if it's not, then we'd have to address
20 it but we've had pretty good luck in the past doing it
21 that way. Is that fair enough?

22 MR. von MEIER: Yes.

23 MR. JOHNSON: Works for me.

24 CHAIRMAN KNIGHT: Member Freeman?

1 MS. FREEMAN: That's fine. That's fine.

2 CHAIRMAN KNIGHT: So whatever it turns out,
3 be it nonconforming or --

4 MS. FREEMAN: Nonconforming lighting is
5 already under the purview of the enforcement officer,
6 so we don't actually have to give them --

7 CHAIRMAN KNIGHT: Okay. Let's just leave it
8 alone. Leave it as is and scratch that. So that was
9 our first thing. The second thing we did is we came
10 up with a, on page 6, a new definition of measured
11 acre. That was satisfactory to the board members.
12 All right. We are going to go page by page.

13 MS. FREEMAN: I would like to.

14 CHAIRMAN KNIGHT: Okay. If you have
15 anything that we haven't touched.

16 MR. JOHNSON: How about on page 8?

17 MS. FREEMAN: My first page is page 3.

18 CHAIRMAN KNIGHT: I thought we were pretty
19 good on all this stuff on Monday.

20 MS. FREEMAN: We were. These are not large
21 changes. We just never got to them because we ran out
22 of time on Monday. We started in Section 5 on Monday.

23 CHAIRMAN KNIGHT: Okay. Page 3.

24 MS. FREEMAN: My question -- I had three

1 questions. In the first paragraph it says, "The
2 purpose of this ordinance is to enforce lighting
3 standards."

4 CHAIRMAN KNIGHT: Yeah.

5 MS. FREEMAN: The way I understood it, we
6 don't enforce anything. We write the standard and
7 then the Village administration enforces it and at one
8 point this was a different word so I had wanted to
9 change the word enforce to establish because I thought
10 that was our job. Does this make sense?

11 CHAIRMAN KNIGHT: Mr. von Meier?

12 MR. von MEIER: Yeah, I might have some
13 guidance on that.

14 MR. BOSWORTH: The old word was encourage.

15 MS. FREEMAN: Encourage. Right. But then
16 we changed it and then I think we changed it to the
17 wrong thing.

18 MR. BOSWORTH: Yeah, this was done while I
19 was on vacation, so I never would --

20 MS. FREEMAN: You never would have let this
21 happen.

22 MR. JOHNSON: Encourage is okay with me.

23 MS. FREEMAN: I think establish is what we
24 are doing.

1 CHAIRMAN KNIGHT: Establish. So we are
 2 going to change enforce to establish, correct? Is
 3 that okay with you, Mr. von Meier? Page 3 on the red
 4 line.
 5 MR. von MEIER: Mr. Wambach recommends we
 6 use the word provide.
 7 CHAIRMAN KNIGHT: Is to provide lighting
 8 standards.
 9 MS. FREEMAN: That's fine, too. And then in
 10 the first bullet on page 3, the need to safeguard the
 11 rural character, aesthetic value and unique quality of
 12 life, and then this says of village residents. I
 13 think that this is worded poorly, and I would have
 14 changed the word "of" to "that" and after the word
 15 "residents" I would say "enjoy" because it just sounds
 16 like we --
 17 CHAIRMAN KNIGHT: Can you read it the way
 18 you would like to see it.
 19 MS. FREEMAN: The unique quality of life
 20 that village residents enjoy.
 21 CHAIRMAN KNIGHT: The unique quality of life
 22 that --
 23 MS. FREEMAN: Village residents enjoy.
 24 CHAIRMAN KNIGHT: Village residents.

1 MS. FREEMAN: Enjoy.
 2 MS. ROSENE: Sounds great.
 3 MS. FREEMAN: I feel better now.
 4 CHAIRMAN KNIGHT: Does that change any
 5 meaning in your eyes?
 6 MR. BOSWORTH: No, it does not.
 7 MS. FREEMAN: Okay.
 8 CHAIRMAN KNIGHT: Scratch the other stuff.
 9 MR. JOHNSON: The whole page or?
 10 CHAIRMAN KNIGHT: No, just the -- so the
 11 need to safeguard the rural character, aesthetic value
 12 and the unique quality of life that village residents
 13 enjoy, period.
 14 MS. FREEMAN: No, no, no. Then you keep
 15 going. I don't want to change the whole thing.
 16 CHAIRMAN KNIGHT: By preserving and
 17 enhancing -- okay. Okay. Good.
 18 MS. FREEMAN: Right. Right.
 19 CHAIRMAN KNIGHT: What else on that page?
 20 MS. FREEMAN: I'm done with page 3. Anybody
 21 else on page 3?
 22 CHAIRMAN KNIGHT: You are done on page 3?
 23 Everybody is happy with those changes?
 24 MR. JOHNSON: Page 8?

1 CHAIRMAN KNIGHT: What page now?
 2 MS. FREEMAN: I'm on page 5 now. Does
 3 anybody else have anything on page 4?
 4 CHAIRMAN KNIGHT: No.
 5 MS. FREEMAN: My only question, and this is
 6 probably a cleanup question, but right now because we
 7 changed the lighting that was prohibited from HID to
 8 mercury vapor, I don't think we used this definition
 9 of HID lighting anywhere now and so I wanted someone
 10 to check that because we are defining it and we never
 11 do anything with it.
 12 MS. ROSENE: In the nonresidential section?
 13 MS. FREEMAN: Is it in there still? Is it
 14 still?
 15 MS. ROSENE: I believe so.
 16 MS. FREEMAN: Okay. Hang on. Okay.
 17 CHAIRMAN KNIGHT: We defined HID lighting
 18 here but in other sections we've basically said that
 19 we've prohibited mercury vapor, although, you could
 20 have a mercury vapor HID light.
 21 MS. FREEMAN: Right.
 22 CHAIRMAN KNIGHT: So we should leave that
 23 definition there and we've just said in other sections
 24 no mercury vapor lights.

1 MS. ROSENE: We did strike it.
 2 MS. FREEMAN: It's not anywhere anymore.
 3 CHAIRMAN KNIGHT: What isn't?
 4 MS. FREEMAN: HID lighting.
 5 CHAIRMAN KNIGHT: We didn't strike it from
 6 other sections. We just said that you can't have
 7 mercury vapor lighting.
 8 MS. FREEMAN: That's what I'm saying, Jon.
 9 What I'm saying is we have defined a term that's now
 10 an orphan. It's an orphan. It's never used in the
 11 rest of the documents.
 12 MR. von MEIER: I think she's right, but
 13 I'll double check.
 14 CHAIRMAN KNIGHT: Double check that for an
 15 inconsistency and if it has to be corrected, please
 16 correct it.
 17 MS. ROSENE: Wait. Wait. Wait. Page 16 in
 18 Section 6, lamp types. "In an effort to foster
 19 sustainability, the Village encourages energy
 20 efficient light sources, high-pressure sodium,
 21 fluorescent, low-pressure sodium lamp or metal halide
 22 shall be used for -- shall be used. It just doesn't
 23 say -- mercury vapor shall not, but it doesn't say HID
 24 lighting but that's what it is.

1 MR. von MEIER: I don't think we need the
2 definition.
3 MS. FREEMAN: It's not used.
4 MS. ROSENE: Even though this is HID
5 lighting, it doesn't matter?
6 MS. FREEMAN: No, because --
7 MR. BOSWORTH: Judy is right. For drafting
8 purposes, if you don't use a defined term, you
9 shouldn't have it.
10 MS. FREEMAN: You shouldn't have it.
11 MR. BOSWORTH: Even though you could change
12 the wording in that to say HID lighting.
13 MS. ROSENE: Right.
14 MR. von MEIER: Such as.
15 MR. BOSWORTH: Such as HID lighting if you
16 wanted to and then you'd keep the definition.
17 CHAIRMAN KNIGHT: Okay. It's noted. Let's
18 go on.
19 MR. JOHNSON: Page 8 yet?
20 MS. FREEMAN: You are rushing me.
21 CHAIRMAN KNIGHT: That's correct. What page
22 are you on?
23 MR. JOHNSON: Page 8?
24 MR. ANDERSON: We're done on six?

1 MS. FREEMAN: We're done on six. I can go
2 to eight.
3 CHAIRMAN KNIGHT: Wait a minute now. We are
4 done on six.
5 MS. FREEMAN: Thank you.
6 CHAIRMAN KNIGHT: I'll quarterback.
7 MS. FREEMAN: Byron keeps trying to get to
8 eight.
9 MR. JOHNSON: I want to be chairman, you
10 know, Jon. You can handle it tonight, okay.
11 CHAIRMAN KNIGHT: Page 7, anybody?
12 (No response.)
13 CHAIRMAN KNIGHT: Page 8 anybody?
14 MR. JOHNSON: Real quickie. On paragraph
15 one where it says, "All exterior lighting installed,
16 replaced, changed, repaired or relocated," in Section
17 7(1)(a) we modified something similar to say, upon
18 replacement or relocation. So I just raise the
19 question with Joe we shouldn't conform those two
20 sections, which would mean changing Section 3(1)?
21 MR. von MEIER: Yeah, if we agree with the
22 language in the amortization section, which we haven't
23 yet, I will go back and conform that to Section 3.1.
24 MR. JOHNSON: Okay. I'm up to page 10.

1 MS. FREEMAN: I'm still on page 8.
2 CHAIRMAN KNIGHT: Okay. What else on
3 page 8?
4 MS. FREEMAN: These are just cleanup things.
5 4(f) and 4(g) -- sorry, I don't know if I'm on the
6 same -- yeah, 4(f) and 4(g).
7 CHAIRMAN KNIGHT: Yeah, 4(f) and 4(g), but
8 4(g) is on the next page.
9 MS. FREEMAN: We are capitalizing upward
10 lighting and underwater lighting and those are not
11 defined terms, so we should not be capitalizing the
12 lighting of those.
13 MR. von MEIER: Isn't it just because it's
14 the beginning of a sentence?
15 CHAIRMAN KNIGHT: Upward lighting is.
16 MS. FREEMAN: So we are actually defining in
17 here then --
18 MR. von MEIER: Upward is the start of a
19 sentence, so it's capitalized. And then lighting is a
20 defined term.
21 MS. FREEMAN: Oh, sorry. Got it. I follow
22 you.
23 MS. ROSENE: Should we have a --
24 CHAIRMAN KNIGHT: Lighting is capitalized

1 throughout.
2 MS. FREEMAN: No. I follow exactly what
3 he's saying. He is absolutely right.
4 CHAIRMAN KNIGHT: Page 9? You are good with
5 that on page 9, the same issue "G"?
6 MS. FREEMAN: No, we are done.
7 CHAIRMAN KNIGHT: Okay. Anyone else?
8 (No response.)
9 CHAIRMAN KNIGHT: Page 10?
10 (No response.)
11 CHAIRMAN KNIGHT: Page 11 has been omitted,
12 section four. Page 12?
13 MR. JOHNSON: Hold on. These are different
14 pages.
15 MS. FREEMAN: I have a question on page 12,
16 item two. We are describing or referencing a measured
17 acre area but that isn't showing up as a defined term.
18 Should we be capitalizing measured and acre now that
19 we are defining it?
20 MR. von MEIER: Yes. And I have an
21 alternate section. I have new language based on
22 Member Anderson's concern that I'm willing to read for
23 your consideration. Certainly not perfect but it's
24 out there. So this is an idea.

1 Section 5(2) would read: For all nonexempt
2 exterior lighting, the maximum light output shall not
3 exceed A, 15,000 lumens, and again I'm just using 15
4 as a placeholder, 15,000 lumens for the measured acre
5 that contains within such measured acre 100 percent of
6 the square footage of the principal residence, comma,
7 B, 10,000 lumens per acre for any other measured acre
8 not inclusive of the principal residence; and C, a
9 total on any given property equal to 10,000 lumens
10 multiplied by the total number of acres of such
11 property.

12 CHAIRMAN KNIGHT: That would still limit the
13 ability of someone to put more than 10,000 lumens in
14 any corner or back, it wouldn't allow --

15 MS. FREEMAN: Right.

16 CHAIRMAN KNIGHT: -- 30 acres to be 300,000
17 lumens on the residential.

18 MS. FREEMAN: Right.

19 CHAIRMAN KNIGHT: Does that make sense to
20 everybody?

21 MR. ANDERSON: Yeah.

22 MR. von MEIER: A, permits an increased
23 amount of lumens for the measured acre containing the
24 home; B, limits any other measured acre on the

1 property to 10,000 only; C, says that the total you
2 can have for your whole property is 10,000 times the
3 number of acres in that property.

4 MS. FREEMAN: Yes.

5 CHAIRMAN KNIGHT: Good.

6 MR. von MEIER: I don't think the language
7 is perfect but I think conceptually it's good.

8 CHAIRMAN KNIGHT: Conceptually it sounds
9 very good to me and at the point where we are ready to
10 make a recommendation, you would certainly have the
11 ability to make it perfect so long as the intent is
12 the same. We are still on page 12, anybody?

13 MR. JOHNSON: Let me check my -- 5(3)(b).
14 Okay. Yeah, I've got comments.

15 CHAIRMAN KNIGHT: On page 12?

16 MR. JOHNSON: Let me raise a question. Last
17 meeting we -- certain members voted to restrict the
18 height of lights to 15 feet and we never really did
19 discuss how we arrived at 15 feet. So since I had all
20 kinds of time on my hands Tuesday and then also today,
21 I went back to my notes, okay, and one of the areas I
22 looked at was the handbook of the Dark Sky Society
23 that discusses heights of poles and things of this
24 sort as to whether or not you should restrict them.

1 And one of the things they point out is if you
2 restrict the height of a light, you may end up getting
3 the undesired result of having more lights because if,
4 for example, a light is up 30 feet, the homeowner had
5 in mind illuminating some certain area. So if you
6 just arbitrarily lower the height of the light, you
7 may end up forcing that homeowner to put in more
8 lights to achieve the same result.

9 The recommendation of the Dark Sky Society
10 handbook is to not limit the height of lights and if
11 you do, do not go below 25 feet. I throw that out
12 there just because we've never really had an expert
13 address this from the standpoint of what height should
14 we have a height limitation and if so, why. And
15 certainly I don't recall any discussion Monday night
16 about what was so sacred about 15 feet. I remember
17 people saying where did it come from. I don't know
18 but it shows up in this section here, 5(3)(b)(2) and
19 it also shows up in Section 6(3)(C). So I just throw
20 that out there that there are people that say we
21 really don't have a basis for going down to 15 feet.

22 CHAIRMAN KNIGHT: If my memory is good, and
23 sometimes it's not, did we talk about height relative
24 to -- I know, if you have fixtures too high it causing

1 a problem as to what people can see, you know, looking
2 up you see the source and, you know, I thought that
3 was a concern rather than going up to 25 or any other
4 height. But I think maybe Mr. Bosworth --

5 MR. JOHNSON: Is our concern poles or trees
6 or what?

7 MR. von MEIER: Currently, this 15-foot
8 requirement now controls the height on poles and
9 trees.

10 MR. JOHNSON: Because, again, the discussion
11 says if you are looking -- if you think poles are
12 unsightly, then, I mean, one thing you'd want to have
13 is hopefully the same height maybe sort of uniform but
14 it does make the argument just like I copied the pages
15 because you can see the disbursement of light
16 depending on the height.

17 MS. FREEMAN: Right.

18 MR. JOHNSON: And so I'm just throwing it
19 out because I don't know 15 feet from 25 except it's
20 10 feet higher, but.

21 CHAIRMAN KNIGHT: Mr. Bosworth, can you
22 address that?

23 MR. BOSWORTH: The 15 feet number came from
24 the ordinance that we used as the model for this and

1 that was from out in New York, I can't remember the
2 town. That was kind of the main model.

3 CHAIRMAN KNIGHT: It was the Hamptons,
4 wasn't it?

5 MR. BOSWORTH: Thank you. And that's where
6 that number came from. We do -- I do recognize, you
7 know -- the other part of this definition is the
8 distance, okay, you can't be more than three times the
9 distance. So if you are five feet, it's 15, you know,
10 et cetera, meaning that if you got too close to the
11 light, the light had to go down. I mean, I don't see
12 a problem with going to 25 feet. I think there should
13 be a maximum because the whole idea is to prevent sky
14 glow and whatever, but I don't see a problem with
15 going a little higher.

16 CHAIRMAN KNIGHT: You raised the point three
17 times so if you go up to 25, then you got to be
18 75 feet from the line. Is that more restrictive than
19 leaving it at 15 and you are only 45 or, you know?

20 MR. ANDERSON: You are going to have that
21 same sliding scale if, you know, if we say that the
22 maximum is only going to be 25, you can use whatever
23 you want as long as you are set back at least three
24 times the height. If you go to 25, that puts you at

1 75 feet into the property line. If you are at 15, you
2 are at 45 feet. That's kind of the decision.

3 CHAIRMAN KNIGHT: For what somebody can see
4 between 15 and 45, that might create a problem or?

5 MR. JOHNSON: I mean, 15 to me seems low but
6 I'm no expert. I can just -- I know as much as what
7 I'm reading here and all these people suggest is that
8 it's normally recommended not to have a pole limit but
9 if you've got one, don't go below 25 feet.

10 MR. BOSWORTH: But the pole limit also their
11 ordinance they are talking about more commercial
12 activities and we don't really have that, especially
13 in this section, this is the residential. I mean, if
14 you think of 15 feet, that's a little bit less than
15 the ceiling. It's about the clock. And this is not
16 the lighting that's mounted to your house, because
17 that could be as high as the eave, okay. So it's not
18 that, this is freestanding lighting so I don't think
19 we need to go 25 feet. You think how high that is,
20 that's really up in the air.

21 MR. JOHNSON: We have got a lot of houses a
22 lot higher than 25 feet.

23 MR. BOSWORTH: But, again, this isn't
24 restricting the light on the house because that's the

1 eave, okay. This is freestanding light and that's why
2 we thought 15. Just looking kind of --

3 CHAIRMAN KNIGHT: Let's go around the table.

4 MR. ANDERSON: I think my comment last or
5 Monday night was basically the same. I don't really
6 know if I can decide whether it's 15 or 25. I think
7 as far as you've got the setback three times the
8 height, that's fine and maybe what we say is if you
9 want to split the baby and set it at 20, that's fine,
10 too, but I think we need to have minimum setback if
11 you are going to start putting freestanding lights,
12 whether it's in a tree or on a pole.

13 CHAIRMAN KNIGHT: Member Rosene?

14 MS. ROSENE: I do have a neighbor who has a
15 bright light that's up about 25 or 30 feet. It is
16 fully shielded but that doesn't -- once it's up 25 or
17 30 feet, it's not -- you can see and it provides a
18 huge amount of glare going up my driveway to the point
19 where I can't see, my eyes are not accustom to
20 anything but that light. So it blinds me as I drive
21 up the driveway. So there's a reason for -- and if it
22 were down at 15 feet, I couldn't see it, period.

23 CHAIRMAN KNIGHT: So you are 15 feet?

24 MS. ROSENE: Well, I think, yes. Yeah. But

1 there is that aspect the higher it is, the more
2 potential for glare.

3 CHAIRMAN KNIGHT: Member Johnson?

4 MR. JOHNSON: Well, I thought we had some
5 wording that diminished glare but, again, I would
6 just, you know, not that I'm such a big fan of the
7 Dark Sky Society, but they know more than I do. I'd
8 go for the 25 feet with the setback.

9 CHAIRMAN KNIGHT: Well, we still have the
10 setback.

11 MR. JOHNSON: I'm saying as part of that.

12 CHAIRMAN KNIGHT: Member Freeman?

13 MS. FREEMAN: I've experienced the same
14 thing Karen has where if it gets to a certain height,
15 then all of a sudden you can see it and it's not what
16 we are looking for when we are looking at this
17 ordinance. So I actually thought the 15 feet made
18 more sense to me so I was comfortable.

19 CHAIRMAN KNIGHT: I'll go along with the
20 15 feet, too. If it proves a problem in the future,
21 that can always be addressed.

22 MR. ANDERSON: Fair.

23 CHAIRMAN KNIGHT: Member Johnson, do you
24 have anymore on 12?

1 MR. JOHNSON: The only one I had left was
2 section 7(1)(b), which I now understand was just a
3 date that was thrown in there, which we'll discuss.

4 CHAIRMAN KNIGHT: Let's just go page by
5 page. Thirteen?

6 (No response.)

7 CHAIRMAN KNIGHT: Fourteen?

8 MR. von MEIER: I have one just question
9 about number four on page 13.

10 CHAIRMAN KNIGHT: Number four, page 13.

11 MR. von MEIER: And this is with respect to
12 the very low lumen output solar powered landscape
13 lights that, as far as I know, get their energy during
14 the day and then stay on all night. I don't know if
15 they have on/off switches.

16 CHAIRMAN KNIGHT: They don't.

17 MR. von MEIER: But we have now said the
18 landscape lighting needs to be turned off from
19 midnight until dawn.

20 MR. ANDERSON: Or it would be included in
21 their calculation.

22 MR. von MEIER: Or it would be included.
23 Well, actually, this doesn't say that. This says it
24 has to be turned off, and I'm concerned that those

1 little solar powered LED path lights are going to be
2 in violation.

3 MS. ROSENE: Let's just exempt them.

4 CHAIRMAN KNIGHT: Exempt them.

5 MS. FREEMAN: If they are fully shielded.

6 CHAIRMAN KNIGHT: Well, I don't know what
7 they are, but they don't put a hell of a lot --

8 MS. ROSENE: No, not fully shielded,
9 unshielded. Oh, okay. Just say they ought to be
10 exempted. It's actually a perfect amount of light
11 they put out.

12 MR. BOSWORTH: Actually, I like that because
13 otherwise I'd be in violation on some of the lights, I
14 just realized, in my house.

15 CHAIRMAN KNIGHT: Would we do it in this
16 paragraph four or would we exempt it in another
17 section?

18 MS. FREEMAN: I would have it here.

19 CHAIRMAN KNIGHT: As an additional item
20 here?

21 MR. BOSWORTH: Provided, however, solar
22 powered lighting --

23 MR. JOHNSON: Just take four in its
24 entirety.

1 MR. ANDERSON: Let me make a comment. Those
2 are usually set right along the walkways. Are those
3 special purpose lighting or purpose lighting, they are
4 intended for people walking down the sidewalk.

5 CHAIRMAN KNIGHT: Well, sometimes people
6 might put them in their little garden area, too. I
7 think if we exempt them, they are not a great source
8 of light pollution.

9 MR. JOHNSON: Well, what you are telling
10 people is, again, even though they are small lights,
11 shut them off, which I think is ridiculous.

12 CHAIRMAN KNIGHT: Well, we are not saying
13 that.

14 MR. JOHNSON: That's what you are saying.

15 MS. ROSENE: Let's exempt them.

16 MR. JOHNSON: Not only these, but 10-watt
17 bulbs? That's a difference?

18 CHAIRMAN KNIGHT: Well, cumulatively it
19 could but this is something that would be pretty
20 difficult to do.

21 MR. JOHNSON: It's personal choice though
22 but we are down at the nitty gritty here.

23 MR. von MEIER: Yeah, I didn't want to
24 create additional issues.

1 CHAIRMAN KNIGHT: Why don't you make that
2 change where appropriate and we recognize as a board
3 it will be made. Okay?

4 MR. von MEIER: Okay.

5 CHAIRMAN KNIGHT: There's something on
6 page 13 that I want to come back to and that's the
7 midnight to dawn as opposed to 11:00 o'clock until
8 dawn. I'd like to see consistency throughout and I
9 recall the argument about daylight savings time. I'd
10 be more comfortable with 11:00 o'clock as a --

11 MS. FREEMAN: I don't feel strongly about
12 it.

13 CHAIRMAN KNIGHT: -- as the time as opposed
14 to trying to have a bunch of different times. I don't
15 think it makes a difference, practically speaking.

16 MR. ANDERSON: I guess my comment would be
17 if it doesn't make a wood of difference, I would
18 probably keep it at midnight because I'm thinking all
19 the times I come home late at night, it's nice to have
20 something on in the yard.

21 CHAIRMAN KNIGHT: But you are getting older
22 now.

23 MR. ANDERSON: Well, I understand. I'm
24 still sitting on this board and if I want to stop for

1 coffee or something on the way home.
 2 CHAIRMAN KNIGHT: Member Rosene?
 3 MS. ROSENE: I'm happy with 11:00.
 4 CHAIRMAN KNIGHT: You are happy with 11:00.
 5 Member Johnson?
 6 MR. JOHNSON: Don't shut them off.
 7 CHAIRMAN KNIGHT: 11:00 or 12:00 if you had
 8 to make a choice?
 9 MR. JOHNSON: 11:00.
 10 CHAIRMAN KNIGHT: Member Freeman?
 11 MS. FREEMAN: I don't feel strongly about
 12 it, whatever people.
 13 CHAIRMAN KNIGHT: Well, you have to -- we
 14 just sort of --
 15 MS. FREEMAN: 11:00 is fine.
 16 CHAIRMAN KNIGHT: 11:00, 11:00, 11:00,
 17 11:00. Let's just change it to 11:00 for consistency
 18 sake.
 19 MS. FREEMAN: Kind of surprised me there,
 20 Byron.
 21 MR. JOHNSON: I meant 12:00.
 22 CHAIRMAN KNIGHT: It wouldn't have made a
 23 difference.
 24 MR. JOHNSON: 3:00 a.m.?

1 CHAIRMAN KNIGHT: You won't get to see them
 2 anyway.
 3 MR. JOHNSON: Then make it 8:30 then.
 4 CHAIRMAN KNIGHT: Thirteen? We are done
 5 with page 13. You made that change to 11:00 and
 6 that's for consistency throughout. Page 14?
 7 MR. ANDERSON: The only question I would
 8 have, this is the residential section, if I recall it.
 9 The only issue I have is the sports lighting shall not
 10 be installed on residential properties which are less
 11 than five acres. My thought is, I'm not a tennis
 12 player, I don't have a tennis court but do we have any
 13 of those or basketball courts that are in the backyard
 14 of some of those that are -- have a variance and they
 15 are not five acres, some that are four and a half or
 16 two acres, what have you?
 17 CHAIRMAN KNIGHT: But they aren't lighted.
 18 MR. ANDERSON: Yours might not be lighted
 19 but if you've got teenage kids and they want to light
 20 up the basketball at night.
 21 CHAIRMAN KNIGHT: They are usually covered
 22 by the garage lights or something like that. Would
 23 that qualify as a sports light by definition?
 24 MS. ROSENE: That wouldn't cover a tennis

1 court, though.
 2 MR. ANDERSON: Or a basketball court. And
 3 so that would be my only concern.
 4 MS. FREEMAN: Can I maybe throw something in
 5 because I actually interpreted this more broadly
 6 because if you go back to number nine where they
 7 defined sports lighting, it says, "For sports lighting
 8 intended to illuminate sports facilities and where the
 9 nighttime activity is authorized by a permit." I
 10 don't think what you are talking about people get
 11 permits for.
 12 MR. ANDERSON: Requires a permit. Correct.
 13 Well, then are we going out of bounds by calling this
 14 sports lighting in the nonresidential section?
 15 CHAIRMAN KNIGHT: No, sports lighting
 16 assumes a facility that requires a permit. If you are
 17 lighting up your basketball court in the backyard,
 18 that's not a facility that requires a permit and it
 19 wouldn't come under the sports lighting clause.
 20 MR. ANDERSON: All right.
 21 MS. ROSENE: The same with a tennis court?
 22 MS. FREEMAN: Right, because it's not -- you
 23 don't need a permit.
 24 MR. ANDERSON: But then what I'm saying,

1 this sports lighting paragraph six in the
 2 nonresident -- in the residential section is
 3 superfluous, right, it's not needed then because
 4 sports lighting --
 5 CHAIRMAN KNIGHT: Well, what if somebody had
 6 a property that was large enough and they chose to
 7 have nighttime polo on it, that would be a sports
 8 facility, wouldn't it?
 9 MS. ROSENE: I think.
 10 CHAIRMAN KNIGHT: So, I would leave it in
 11 because there might be an application at some point in
 12 time.
 13 MR. ANDERSON: The same thing for a
 14 basketball court or tennis courts?
 15 CHAIRMAN KNIGHT: If it doesn't do any harm,
 16 I'd leave it in for something that we may not know.
 17 MR. ANDERSON: Okay. It was definitional
 18 issues.
 19 MR. JOHNSON: So this definition would not
 20 prohibit the use of a tennis court at night or
 21 basketball court at night?
 22 CHAIRMAN KNIGHT: Yeah, I don't think you
 23 need a permit to -- you don't need a permit to play
 24 tennis at night, do you, at your own lighted tennis

1 court?

2 MR. KOSIN: You're required a permit to
3 construct a tennis court. That's where the, I
4 believe, the drafters were going with the distinction.

5 Also, this doesn't cover the proverbial basketball.
6 CHAIRMAN KNIGHT: Do I need a permit to run
7 a pole up on the driveway and put a backboard on it?

8 MR. KOSIN: The short answer is no.

9 MR. JOHNSON: Keep in mind the basket is
10 ten feet and the pole is 15 feet, so how well lit that
11 will be. It would take a lot of poles.

12 MR. KOSIN: So I was just responding to the
13 issue in terms of lighting presently under the code is
14 prohibited for tennis courts.

15 MR. ANDERSON: Residential or commercial
16 facilities and that's --

17 CHAIRMAN KNIGHT: Okay. Thank you.

18 MR. ANDERSON: And so this is --

19 MR. von MEIER: That's a --

20 MR. ANDERSON: It's currently prohibited.
21 And let's go back and explore that for a minute
22 because if it's currently prohibited, that means that
23 this sports lighting is going to be required as part
24 of the section and this goes back to the five-acre

1 issue then, right? It's not currently permitted, we
2 are going to allow the lighting of those courts under
3 this --

4 CHAIRMAN KNIGHT: If can you get a permit
5 for it; is that right?

6 MR. von MEIER: That's a question. How do
7 we get around the current prohibition against lighted
8 tennis courts in the R1 district? Is there a way to
9 get a special use permit for that?

10 MR. KOSIN: No, it's in the character of the
11 tennis court. A tennis court is, by definition of the
12 zoning ordinance, not permitted to be illuminated.

13 MR. von MEIER: Correct. And so we don't
14 have to have sports lighting in residential, the
15 residential section, because you can't illuminate a
16 tennis court regardless, correct?

17 CHAIRMAN KNIGHT: Unless they change that as
18 a special use.

19 MR. BOSWORTH: That's what our concern was
20 that if they gave a special permit or changed that
21 section, we wanted it in there. There's a provision
22 that says the more stringent applies. So we wanted
23 this to, in effect, be there to safeguard against a
24 change that could occur over there or a permit, that's

1 why we had it in this section as an addition to that
2 because there already is a regulation under the
3 permitting process.

4 MR. KOSIN: Right.

5 CHAIRMAN KNIGHT: Okay. So if we leave it,
6 it's for a future event that may never occur.

7 MR. ANDERSON: Again, it's still falling --
8 if the -- it's going to be inconsistent with the other
9 provisions right now. We are saying it's going to be
10 allowed under this provision but it conflicts with
11 what's currently prohibiting it, right?

12 MR. von MEIER: No, it says where the
13 nighttime activity is authorized by a permit. So it's
14 here if in the future by getting a special use permit
15 someone can illuminate a tennis court. It's a little
16 clunky.

17 MR. ANDERSON: I guess the point then maybe
18 we should be striking the five-acre reference because
19 regardless if anyone is going to light those courts,
20 they are going to have to come to us for a special
21 permit.

22 CHAIRMAN KNIGHT: Well, we don't know what
23 the board could enact.

24 MR. ANDERSON: They are going to have to

1 apply for a zoning permit.

2 MR. von MEIER: That's correct. I think
3 that eliminating that restriction on the five acres
4 is -- may be appropriate.

5 CHAIRMAN KNIGHT: So if somebody gets a
6 permit, whether it's five, four, three, two, one
7 acres, that's not the concern of this language?

8 MR. BOSWORTH: We are saying if you were to
9 get a permit for your tennis court, and under this
10 language if it was under five acres, even though you
11 got your permit for your tennis court, you couldn't
12 light it.

13 CHAIRMAN KNIGHT: Couldn't light it.

14 MR. BOSWORTH: That's what this is saying.

15 MR. ANDERSON: Yeah, and that's --

16 MR. von MEIER: Is that what you want to
17 say?

18 MR. ANDERSON: That's where I'm going. I
19 don't know that that's what we want to say.

20 MR. BOSWORTH: Again, we thought the five
21 acres was just kind of the minimum. It was keeping up
22 with the Comprehensive Plan, you know, et cetera, and
23 that's why we focused on five acres.

24 CHAIRMAN KNIGHT: I suggest we leave it

1 alone.

2 MR. ANDERSON: That's fine. I'm raising it
3 as a concern and nothing more than that. I'm not dead
4 set one way or the other.

5 CHAIRMAN KNIGHT: Does the board feel okay,
6 just leave it as is? Okay. Thank you. Page 15,
7 nonresidential?

8 MR. ANDERSON: You know what, step back.
9 Let's go back to "F" again because look at "G".

10 CHAIRMAN KNIGHT: What page are you on?

11 MR. ANDERSON: Fourteen.

12 CHAIRMAN KNIGHT: Fourteen.

13 MR. ANDERSON: Designs for all sports
14 lighting shall be submitted to the Village to assure
15 that all of these requirements are met, which means
16 that we, theoretically, aren't going to be granted the
17 ability to waive over the five-acre minimum.

18 MR. von MEIER: That's right.

19 MR. ANDERSON: Right. So we can't waive
20 over it on the zoning application so I think you need
21 to strike it.

22 CHAIRMAN KNIGHT: Well, that brings up
23 another question on what's permitted on lots that are
24 less than five acres. You can't have -- you can't

1 would imply that you could put lighting on one acre
2 and then we always run into the question of well, if
3 they come then and it's appropriate in one case and
4 not another, we end up with all these consistency
5 issues. But I would be concerned about --

6 CHAIRMAN KNIGHT: Well, leave it as is
7 members?

8 MS. FREEMAN: I would rather deal with less
9 than five acres as a variance.

10 CHAIRMAN KNIGHT: Okay. Is that it for 14?

11 MR. ANDERSON: Yes.

12 CHAIRMAN KNIGHT: Fifteen?

13 (No response.)

14 CHAIRMAN KNIGHT: Sixteen?

15 (No response.)

16 CHAIRMAN KNIGHT: Seventeen? Amortization.

17 MR. JOHNSON: The only question I had was
18 1(b), upon re-lamping, i.e., changing the light bulb,
19 again, I'm no lighting person, if you get in a
20 situation where, I guess, just changing a light bulb,
21 if you are changing the light bulb for the same
22 wattage, is that re-lamping?

23 CHAIRMAN KNIGHT: Yes, by definition.

24 MS. FREEMAN: That's what it says here.

1 have horses on less than five acres.

2 MR. ANDERSON: Okay. But we are not
3 addressing that issue today, are we.

4 CHAIRMAN KNIGHT: No, but what we are saying
5 it's consistent throughout the code I believe that in
6 matters of this type, it typically addresses five
7 acres.

8 MS. FREEMAN: If I understand how this would
9 operate, and maybe we can just check our logic, if we
10 keep the wording all the same and someone has a
11 three-acre lot that has a tennis court on it that they
12 want to put lights on, they have to ask for a
13 variance.

14 MR. ANDERSON: Correct.

15 MS. FREEMAN: So, I mean, that sounds okay.

16 MR. ANDERSON: But this ordinance says that
17 we can't approve it because it's not five acres.

18 CHAIRMAN KNIGHT: But they can ask for a
19 variance.

20 MS. FREEMAN: They can ask for a variance.

21 MR. ANDERSON: I understand.

22 CHAIRMAN KNIGHT: They still have an out.

23 MS. FREEMAN: Right. I just think that

24 allowing it -- well, I just think that allowing it

1 MR. von MEIER: Yes.

2 MR. JOHNSON: Let me just read this again.
3 So what are we saying here -- we are saying you got to
4 keep doing what you are doing unless you change the
5 light bulb?

6 MS. FREEMAN: You don't have to keep doing
7 it.

8 MR. JOHNSON: No, you -- but if I change the
9 light bulb, I'm out of compliance?

10 CHAIRMAN KNIGHT: No, it says upon
11 re-lamping.

12 MR. JOHNSON: Changing the light bulb.

13 CHAIRMAN KNIGHT: Which is changing the
14 light bulb, all lamps shall conform to the maximum
15 light output limitations contained.

16 MR. JOHNSON: That assumes that I can go to,
17 I guess, a smaller light bulb and the fixture could
18 still handle that?

19 CHAIRMAN KNIGHT: Yeah. You know, if it's
20 not physically possible to go to something different,
21 why should you be prevented from doing so. If you can
22 go from 100 to a 75, for instance, sure. Is that kind
23 of your concern or what?

24 MR. JOHNSON: I think it's sort of a silly

1 thing because who is going to be out there checking
2 what kind of light bulbs you put in.

3 CHAIRMAN KNIGHT: Here is the point, again,
4 I'm looking upon this as like a lease. You put it in
5 your file until something happens in the future that
6 requires you to look at it. In the same sense that
7 there's a complaint about somebody overlighting their
8 property and the Village has a means to mitigate that
9 dispute if it can't be handled between two property
10 owners.

11 MS. FREEMAN: The suggestion being why don't
12 you just change that light bulb and everybody will be
13 happy, right?

14 CHAIRMAN KNIGHT: That's right.

15 MR. von MEIER: I wanted to just point out
16 what this is referring to is doorway, which is 18
17 lumens per doorway, 5(3)(a)(1) is landscape lighting
18 restrictions, which is 1,000 lumens per fixture. And
19 5(3)(a)(2), which is entryway, walkway, pathway,
20 doorway, which is 800 lumens per fixture. And so if
21 you change a light bulb in your doorway lighting,
22 landscape lighting or pathway lighting, they should
23 comply with those light output restrictions.

24 CHAIRMAN KNIGHT: Those new.

1 MR. JOHNSON: How am I going to get the new
2 bulb in there?

3 MR. von MEIER: I think that's an
4 appropriate addition to this language that says
5 provided that the fixture permits such lower --

6 MR. JOHNSON: Can you give me one change?

7 CHAIRMAN KNIGHT: Provided that the fixture
8 can accommodate a bulb, a complying bulb. Okay.

9 MR. JOHNSON: Did I get one?

10 CHAIRMAN KNIGHT: You got it. Very good.

11 MR. BOSWORTH: Damn.

12 CHAIRMAN KNIGHT: Do we have anything else?
13 Yeah, we do, we have a bunch.

14 MR. JOHNSON: The last one?

15 CHAIRMAN KNIGHT: We are talking about dates
16 here. Mr. von Meier, I'm going to ask you to kind of
17 run through this because we asked you to come up with
18 a couple of discussions and as to dates and stuff.

19 MR. von MEIER: Sure. So just to sort of
20 recap, this is Section 7, the first change is under
21 Section 7.1, which basically states that any new
22 fixture installed after the date of this ordinance has
23 to comply with the ordinance.

24 CHAIRMAN KNIGHT: Right.

1 MR. von MEIER: That's right off the bat.

2 For all nonconforming preexisting lighting, they have
3 to conform if these events happen. And so the first
4 event is if you replace a fixture or relocate a
5 fixture that it has to comply with the ordinance.

6 CHAIRMAN KNIGHT: Okay.

7 MR. von MEIER: The next event we just spoke
8 about, changing a light bulb. The third event is
9 landscape lighting timing restrictions, which is now
10 11:00 p.m. to dusk. That takes effect immediately.
11 The next change is with respect to the sports lighting
12 requirements, and I think we discussed this at the
13 last meeting and the January 1, 2012 is a date that we
14 had put into our draft. The event which is letter "E"
15 is the height and setback restrictions and this is,
16 again, something we discussed in the five-year
17 amortization term for height restrictions was agreed
18 upon --

19 CHAIRMAN KNIGHT: Right.

20 MR. von MEIER: -- at the last meeting. "F"
21 was with respect to mercury vapor lights, which are
22 going to be prohibited under the code.

23 CHAIRMAN KNIGHT: We are going to give them
24 five years.

1 MR. von MEIER: Five years to get rid of
2 their mercury vapor lights. And I think that Member
3 Mullen maybe has a few of those and that might be one
4 of his issues. And then finally, there had to be a
5 date for full compliance with all preexisting lighting
6 to come under the restrictions in the ordinance and
7 there was a discussion about trying to prevent a
8 situation where homeowners were forced in the near
9 term to go out and spend money to retrofit their
10 systems to come into compliance and not necessarily
11 wanting to make that ultimate compliance date too
12 soon. I think that the original draft might have had
13 it within the next couple of years and then the board
14 indicated they felt that was too soon. I put the
15 ultimate compliance date out to 2031, which is a
16 little over 20 years. The reason I did that is
17 because after reading through some of the research
18 materials on amortization, I looked at some of the
19 factors that the court would look at to see if our
20 amortization period was considered reasonable and they
21 look at the burden on the private owner versus the
22 benefit to the public and acknowledging the fact that
23 there might be some burden to private owners with
24 respect to cost and the benefit that we are going to

1 get by enacting this ordinance immediately on new
2 lighting systems and phasing out existing lighting
3 systems with some of these other things such as
4 re-lamping and replacing or removing, I felt that most
5 people could get the full economic value of their
6 current system over the next 20 years and that by that
7 time, they might be ready to upgrade or change the
8 lighting system that they have anyway and that's how I
9 came to it.

10 But it was, again, you know, a number that I
11 put in there based on my best judgment but certainly
12 not the only answer.

13 CHAIRMAN KNIGHT: How does the -- I'll just
14 go around the table, starting with Member Anderson as
15 to that term of 20 years. Does that satisfy you or
16 would you like less or?

17 MS. FREEMAN: Mr. Chairman, would it be
18 sensible to ask Mr. von Meier to explain the comment
19 on page 2 of the memo?

20 CHAIRMAN KNIGHT: Mr. Wambach's comments?

21 MS. FREEMAN: Right. Just for purposes of
22 our --

23 MR. von MEIER: Absolutely. And so I did
24 show this to Doug Wambach today and in Doug's comment

1 number two it says that Doug feels that all exterior
2 lighting should be fully compliant by January 1st,
3 2021, which is a ten-year amortization term versus the
4 20 that I put in there. So that's Doug's feeling that
5 ten years was more appropriate.

6 MS. FREEMAN: Did he say why?

7 CHAIRMAN KNIGHT: That would withstand legal
8 challenge as well.

9 MR. von MEIER: He has been through the same
10 material that I've been through, and so yes, he feels
11 his ten-year amortization term would also withstand
12 legal challenge.

13 CHAIRMAN KNIGHT: Thank you.

14 MR. ANDERSON: My comments on the
15 amortization section, one, I think 20 years is -- I
16 would prefer the 20 as opposed to the ten, to be
17 honest with you. We are not trying to penalize any of
18 our residents who expended a great deal of money on
19 their landscape lighting, so that's fine.

20 The only other comment I would make in
21 paragraph "D" it says that sport lighting shall
22 conform to the requirements contained in Section 5.6
23 of this ordinance and/or 6.9 for nonresidential.

24 MR. von MEIER: Okay. That's a good point.

1 CHAIRMAN KNIGHT: Is that it?

2 MR. ANDERSON: That's it.

3 CHAIRMAN KNIGHT: Member Rosene?

4 MS. ROSENE: I would prefer the 20 years.

5 CHAIRMAN KNIGHT: Member Johnson?

6 MS. FREEMAN: Go with the ten, Byron.

7 MR. JOHNSON: I don't negotiate with myself.

8 I'd prefer 50 years but in the interest of comity, I'd
9 go with the 20. C-O-M-I-T-Y.

10 CHAIRMAN KNIGHT: Yes. Yes. Member
11 Freeman?

12 MS. FREEMAN: I'm comfortable with the 20.

13 CHAIRMAN KNIGHT: Well, 20 it is. Any other
14 issues as to time, dates on page 19?

15 MS. ROSENE: Well, I think ten years is a
16 long time to get rid of mercury vapor lights.

17 CHAIRMAN KNIGHT: That's five years.

18 MS. ROSENE: Oh, I'm sorry.

19 CHAIRMAN KNIGHT: We gave five years and the
20 reason being that they tend to have a long life and if
21 somebody has been using them, has new installations,
22 you know, five years is adequate time to recover any
23 cost. That doesn't mean that people can't change if
24 they desire to do something different.

1 MS. ROSENE: We are looking at 2(c), right,
2 on page 19?

3 CHAIRMAN KNIGHT: Two.

4 MS. ROSENE: 2(c), that's not five years.

5 CHAIRMAN KNIGHT: That's not residential.
6 We are giving them --

7 MR. von MEIER: Until 2012.

8 CHAIRMAN KNIGHT: We are giving them two
9 years. Residential or -- we gave them five years.

10 MS. ROSENE: Did we?

11 MS. FREEMAN: Yeah.

12 CHAIRMAN KNIGHT: So any issues with
13 procedures? I thought we -- did we put that to bed
14 Monday? And number nine on Penalties, we talked about
15 that. So at this point, I think we've concluded our
16 discussions and I would entertain a motion that would
17 recommend to the board acceptance of the draft as
18 revised through our discussions to be reviewed for
19 inconsistencies, typographical errors, what have you.

20 MS. FREEMAN: That's fine. I'll move it.

21 CHAIRMAN KNIGHT: Member Freeman --

22 MS. ROSENE: I'll second.

23 CHAIRMAN KNIGHT: -- has made the motion to
24 recommend this to the -- for passage to the board and

1 seconded by Member Rosene. Do we need further
2 discussion or clarification, Mr. von Meier?

3 MR. von MEIER: I think I got it but I will
4 review the transcript from August 16th, 2010, as well
5 as the transcript from tonight, August 18th 2010, and
6 then send a penultimate draft to the Chairman for
7 final review to ensure that we've captured the essence
8 of tonight's revisions.

9 CHAIRMAN KNIGHT: Okay. Could I ask Member
10 Freeman to revise that recommendation to
11 incorporate -- is that allowable under procedure to
12 incorporate?

13 MR. ANDERSON: Mr. Chairman, may I ask --
14 may I inquire do we know if the board is ready to
15 receive this at their next meeting? If not, why don't
16 we allow Mr. von Meier to mark up or give us that
17 final draft. We won't have to have a special meeting
18 but we can review that final draft just to make sure
19 it's at the next meeting and to present an appropriate
20 time.

21 CHAIRMAN KNIGHT: I understand your question
22 but it has been a long practice of this board that
23 when we've reached agreement on language, we've made a
24 motion for presentation to the board subject to the

1 Chairman's review of language to insure that those
2 changes have been made. I believe the board would
3 probably be delighted if we make a recommendation to
4 them Monday evening. I don't know if -- I think
5 practically speaking I don't believe they'll have the
6 ability to undertake discussion, which would come at a
7 later time, but I think it would be fair given the
8 length of these hearings to proceed as quickly as
9 possible on the recommendation so that they will have
10 more than ample time to review the material in front
11 of them --

12 MR. ANDERSON: Fair enough.

13 CHAIRMAN KNIGHT: -- and have the ability to
14 make a timely decision on their part and hold public
15 hearings.

16 MR. ANDERSON: As a new member, I didn't
17 know what past practices have been and so that's why
18 I --

19 CHAIRMAN KNIGHT: We've all made that same
20 observation at some point in our tenure on this board
21 and I've been corrected by Mr. Kosin over there on
22 those previous occasions. But thank you for raising
23 it so people understand.

24 MS. FREEMAN: Mr. Chairman, do you want me

1 to make a modified motion?

2 CHAIRMAN KNIGHT: Yes, please.

3 MS. FREEMAN: I move that the exterior
4 lighting ordinance discussed this evening and subject
5 to the editorial changes submitted by Mr. von Meier to
6 Chairman Knight for his acceptance be submitted to the
7 trustees at their next regularly scheduled meeting,
8 and I think that's it. Do I have to say anything
9 else?

10 CHAIRMAN KNIGHT: No.

11 MS. FREEMAN: Okay.

12 MS. ROSENE: Second-second.

13 CHAIRMAN KNIGHT: The revised motion has
14 been seconded by Member Rosene. Any further
15 discussion?

16 MR. JOHNSON: I've got discussion. The
17 question is whether I do it now or do it when I vote?

18 CHAIRMAN KNIGHT: Well, I think I would --
19 we are discussing it now and then we'll take the vote.

20 MR. JOHNSON: It just explains where I am, I
21 think, which I think everybody should have an
22 opportunity to do.

23 CHAIRMAN KNIGHT: Absolutely. Feel free.

24 MR. JOHNSON: Obviously, when did we start

1 this, about four years ago.

2 CHAIRMAN KNIGHT: Actually, last October, I
3 believe.

4 MR. JOHNSON: I guess we had public hearings
5 which were well attended anyway, the public hearings
6 we had were well attended. I assume the reason we
7 have public hearings is to ask for input. Most of the
8 speakers at the public hearings opposed what was being
9 discussed. I value the input of public hearings
10 because if we don't, why even have them. So that's my
11 starting point I guess.

12 But a big concern or substantial concern
13 expressed during the public hearings as to the
14 perceived negative impact the rules would have on the
15 security of the residents and, again, I emphasize that
16 I know we have exempted security lights as defined but
17 if you don't shut those lights off, they are no longer
18 security lights and have to be counted within the
19 maximum 10,000 lumens per acre or whatever. So we say
20 we have exempted security lights. We have exempted
21 security lights for the residents that will shut them
22 off. If they don't shut them off, they are no longer
23 security lights and we are going to have some
24 residents that have told me that they feel very

1 uncomfortable shutting off their lights at night. To
 2 me, as long as their lights do not result in light
 3 trespass, and we have had no evidence that we have
 4 light trespass in Barrington Hills, my point is what's
 5 the basis for passing rules that result in making
 6 these residents feel less secure at night, because
 7 they will.

8 Again, I leave my lights on at night. They
 9 are small lights, but I've got bigger lights I can
 10 turn on. I like lights, so I can't support any
 11 proposal that would require residents to shut off
 12 their lights if they don't want to shut them off.
 13 And, again, assuming there's no light trespass
 14 involved.

15 Obviously, many issues have been discussed
 16 over these past several meetings are subject to
 17 personal opinion. Most of the arguments aren't
 18 scientific, some people like lights, some people don't
 19 like lights. The question is whether the Village
 20 should legislate how residents utilize exterior
 21 lighting on their properties as long as they don't
 22 light up their neighbor's property.

23 Overall, I believe there is general
 24 agreement that there's no current urban glow being

1 generated by the current use of lights in the village.
 2 Yeah, I made the comment, I think it's halfway
 3 accurate, you can shut off all the lights in
 4 Barrington Hills, it would not impact urban glow.

5 The primary argument seems to be we need to
 6 maintain what we have. The question is whether we
 7 have to adopt all these proposed rules in order to
 8 achieve that objective. The Dark Sky Society, which
 9 was present early on, but the Dark Sky Society has on
 10 their website has a one-page document entitled How To
 11 Talk To Your Neighbor About Their Bad Light. Perhaps
 12 we need to consider this approach before we pass some
 13 very detailed rules about lighting. I would note this
 14 publication indicates the first step should be to
 15 educate the public as to the importance of controlling
 16 light pollution prior to recommending legislation to
 17 the Village Board. Certainly, the residents here are
 18 a lot more educated about exterior lighting than they
 19 were several months ago but, again, if you want to
 20 talk to people who -- proponents of minimizing light,
 21 they tell you to educate first before you legislate.

22 We have very little, if any, light trespass
 23 in the village nor is there any urban glow being
 24 generated. Based upon that, we are in pretty good

1 shape. At the same time we have very few words in our
 2 village rules with respect to exterior lighting. We
 3 have got some nuisance rules but there's very few
 4 sentences and yet we don't have urban glow, we don't
 5 have light trespass.

6 One would observe that what we are doing is
 7 working in spite of the fact that we don't have rules
 8 but tonight we are discussing something that's at
 9 least 15 pages. The proposal being voted on tonight
 10 is, in my opinion, a much more reasonable proposal
 11 than what was originally presented. This is not a
 12 criticism of the members of the Plan Commission,
 13 particularly Ken, they have testified that they have
 14 developed their recommendation based upon their
 15 understanding of their charge. They were asked to
 16 prepare a very detailed set of rules with respect to
 17 exterior lighting. I can't see where they left out
 18 anything, you know, but I think we have made some
 19 major changes that make the proposal much more
 20 reasonable but at the same time when we talk about
 21 requiring residents to shut lights off if they don't
 22 want to, when there's not an issue with respect to
 23 light trespass, I can't support that.

24 So what I would do, I would encourage the

1 Village Board to consider an interim step between what
 2 we currently have and what we are voting on tonight.
 3 The residents are certainly more educated about
 4 exterior lighting than they were a year ago. Why not
 5 take the advice of the Dark Sky Society and help
 6 educate the residents regarding good lighting
 7 practices. In fact, what the Comprehensive Plan
 8 recommends is to disseminate the information of the
 9 Dark Sky Society with respect to recommended light
 10 fixtures and light practices. That's in the
 11 Comprehensive Plan. That, I agree with. But we're
 12 not doing that. We are going to set out some very
 13 detailed rules before we get to the education process.

14 So, accordingly, I cannot recommend tonight
 15 that the Village Board adopt this current proposal.
 16 So I would say no.

17 CHAIRMAN KNIGHT: Is that your statement?

18 MR. JOHNSON: Yeah. Yeah.

19 CHAIRMAN KNIGHT: Would anyone else like to
 20 make a statement? Member Freeman? Member Anderson?
 21 Member Rosene?

22 MS. ROSENE: Well, I was privy to the public
 23 hearings and there were many people -- first of all, I
 24 think upon first presentation that it did look like a

1 very detailed ordinance and Draconian is the word that
2 was used but many of those people said, expressed that
3 we did need some kind of ordinance. They said just
4 not this one and to my mind, it's been loosened
5 enormously, so I certainly don't -- that's my comment.

6 MR. ANDERSON: I agree with Mr. Johnson's
7 comment about educate and then legislate and I think
8 this process, though I haven't been in it from the
9 beginning, I have been around here for the last eight
10 months and we have done an incredible job of educating
11 people on what is kind of appropriate as far as good
12 neighbor activities and policies and lighting
13 practices. The issue now we face is not our current
14 residents but those who may become residents and that
15 is the need for the legislation that we are looking at
16 now. Those who want to build new homes, develop new
17 parcels in the Village need to understand that here is
18 the characteristic of the Village. It's not the same
19 as the village of Barrington. It's not South
20 Barrington. It's Barrington Hills. It has unique
21 characteristics and, therefore, I think this,
22 particularly based upon the long amortization schedule
23 and the major modifications we've made, I think this
24 is a very appropriate legislation following the

1 education process that has gone on in this community
2 and I would, therefore, recommend the ordinance as
3 revised to go to the Village Board.

4 CHAIRMAN KNIGHT: Thank you. Member
5 Freeman, do you have a statement to make?

6 MS. FREEMAN: No.

7 CHAIRMAN KNIGHT: Well, I would.

8 MR. JOHNSON: Don't I get to cover Nancy and
9 George, because I've got their proxy?

10 CHAIRMAN KNIGHT: I would like to make a
11 statement because we are going to conclude this issue
12 this evening with a vote and we have been looking at
13 this for nearly ten months and we've heard a lot of
14 discussion and some very heated comments from various
15 community members and we have heard many negative
16 responses to this. I think it's lessened as people
17 become more understanding of what we are trying to
18 accomplish. I think we were given a very difficult
19 task and, again, I've said before and it's published,
20 we don't have the luxury of advocacy from this board
21 and we try very diligently to maintain our
22 objectivity. I think what we're ending up with is a
23 document that I will be recommending to the board for
24 acceptance that gives deference to the Comprehensive

1 Plan. It addresses the concerns I believe that the
2 community has as to the treatment of security
3 lighting. I think we've addressed adequately the
4 concern that many have that they've made considerable
5 investment in lighting installations on their property
6 and I think we've addressed that so that it would not
7 be onerous to any of our property owners. I think
8 we've accomplished our goal and that is we had
9 discussed at an earlier occasion are we providing too
10 much to meet what's addressed in the Comprehensive
11 Plan or too little, and I think we've met that happy
12 medium that satisfies that requirement yet doesn't go
13 overboard as to the impact on residents. And I think
14 I'll just let it go at that. And there being no
15 further comment, I would call for a roll call vote
16 please.

17 COURT REPORTER: Member Freeman.

18 MS. FREEMAN: Yes.

19 COURT REPORTER: Member Anderson.

20 MR. ANDERSON: Yes.

21 COURT REPORTER: Member Rosene.

22 MS. ROSENE: Yes.

23 COURT REPORTER: Member Johnson.

24 MR. JOHNSON: No.

1 COURT REPORTER: Chairman Knight.

2 CHAIRMAN KNIGHT: Yes.

3 The vote passes with a vote of four to one.

4 The recommendation will be directed to our board
5 following a draft process that Mr. von Meier will
6 complete very quickly and we'll take it from there.
7 That concludes the discussion of this issue.

8 I would like to raise one other thing, that
9 procedurally we had on the original docket agenda a
10 discussion of the commercial boarding text amendment
11 and in anticipation that we would not have much time
12 to address that issue this evening, we postponed it to
13 another date and in that that was a continued
14 discussion to this date, I would entertain a motion
15 that we continue that discussion to a different date.

16 But first I would have to ask Mr. Kosin if
17 we wish to schedule that at our next regularly
18 scheduled meeting, do we have other issues on the
19 agenda that may prevent that? We don't want to
20 interrupt the ordinary course of business and, again,
21 I know we are getting tired of special meetings but in
22 this case, I think we are happy to do that if it would
23 interrupt with the ordinary business before us.

24 MR. KOSIN: We have two -- the Building and

1 Zoning Department received this week two petitions
 2 that would, if they are in suitable, completed form,
 3 would be before you at your September meeting already.
 4 CHAIRMAN KNIGHT: Okay. Then I would ask
 5 the board if they would be available for a special
 6 meeting two days after our regularly scheduled meeting
 7 in September?
 8 MR. JOHNSON: What are the dates?
 9 CHAIRMAN KNIGHT: What are the dates?
 10 MR. ANDERSON: The 20th and 22nd.
 11 CHAIRMAN KNIGHT: So we are on the 20th?
 12 MR. ANDERSON: That would be the third
 13 Monday.
 14 CHAIRMAN KNIGHT: That's the Monday is the
 15 20th. If we had a special meeting, continue the
 16 meeting to September 22nd for discussion of the
 17 commercial boarding operation or excuse me amendment.
 18 MR. JOHNSON: Is that still a public hearing
 19 kind of meeting?
 20 CHAIRMAN KNIGHT: Public hearing, yes.
 21 MR. JOHNSON: So moved.
 22 MR. ANDERSON: I'm not available on the
 23 22nd.
 24 CHAIRMAN KNIGHT: Anybody else not

1 available?
 2 MR. JOHNSON: I haven't got my calendar.
 3 MS. FREEMAN: I'm available. And I'm sorry,
 4 that's a hearing that we are having?
 5 CHAIRMAN KNIGHT: That's a continuation of
 6 the discussion that we had on the -- so we've not had
 7 one in two months. We passed on July's. We were
 8 supposed to have it this month. What the suggestion
 9 is that it be continued to September but at this
 10 point, you know, I think we can -- procedurally, I
 11 think the way to do this is to continue it to a date
 12 to be determined by polling of the board members.
 13 Procedurally, are we okay with that, Mr. von Meier?
 14 MR. von MEIER: Yeah, we can do that.
 15 CHAIRMAN KNIGHT: And the announcement will
 16 be made to the public as to the alternate date from
 17 this evening.
 18 MR. von MEIER: Yeah, we can do that. We'll
 19 post the announcement on the website and have it
 20 available at the Village Hall.
 21 CHAIRMAN KNIGHT: Okay. We will determine
 22 that within the next few weeks so that we can give
 23 that notice to residents and all other concerned
 24 parties on that discussion. We don't have to take a

1 vote on that at this point, do we?
 2 MR. von MEIER: Yeah, vote to continue.
 3 CHAIRMAN KNIGHT: Vote to continue at a date
 4 to be determined, is that the motion? Member Freeman?
 5 MS. FREEMAN: Yes.
 6 CHAIRMAN KNIGHT: Second?
 7 MR. ANDERSON: Second.
 8 CHAIRMAN KNIGHT: Member Anderson seconds.
 9 All in favor?
 10 (Chorus of ayes.)
 11 CHAIRMAN KNIGHT: No nays. Then that
 12 meeting will be postponed or rescheduled, continued to
 13 a future date. No other business before the board,
 14 I'll entertain a motion to adjourn.
 15 MR. JOHNSON: (Nodding.)
 16 CHAIRMAN KNIGHT: Member Johnson. Second?
 17 MR. ANDERSON: Yes.
 18 CHAIRMAN KNIGHT: Member Anderson. All in
 19 favor?
 20 (Chorus of ayes.)
 21 CHAIRMAN KNIGHT: No nays. Meeting
 22 adjourned.
 23 (WHICH WAS AND IS ALL OF THE
 24 MATTERS PRESENTED AT SAID MEETING.)

1 STATE OF ILLINOIS)
 2) SS.
 3 COUNTY OF C O O K)
 4
 5 I, CYNTHIA L. PEESEL, Certified Shorthand
 6 Reporter and Notary Public doing business in the City
 7 of Chicago, County of Cook, and State of Illinois,
 8 state that I reported in machine shorthand the matters
 9 presented at the public meeting of the Barrington
 10 Hills Zoning Board of Appeals on the 18th day of
 11 August, 2010, and that the foregoing is a true and
 12 correct transcript of my shorthand notes so taken as
 13 aforesaid, and contains all the matters presented at
 14 said meeting, to the best of my knowledge and ability.
 15
 16
 17
 18
 19
 20

Cynthia L. Peesel
 License No. 084-002656
 August 23, 2010

A

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